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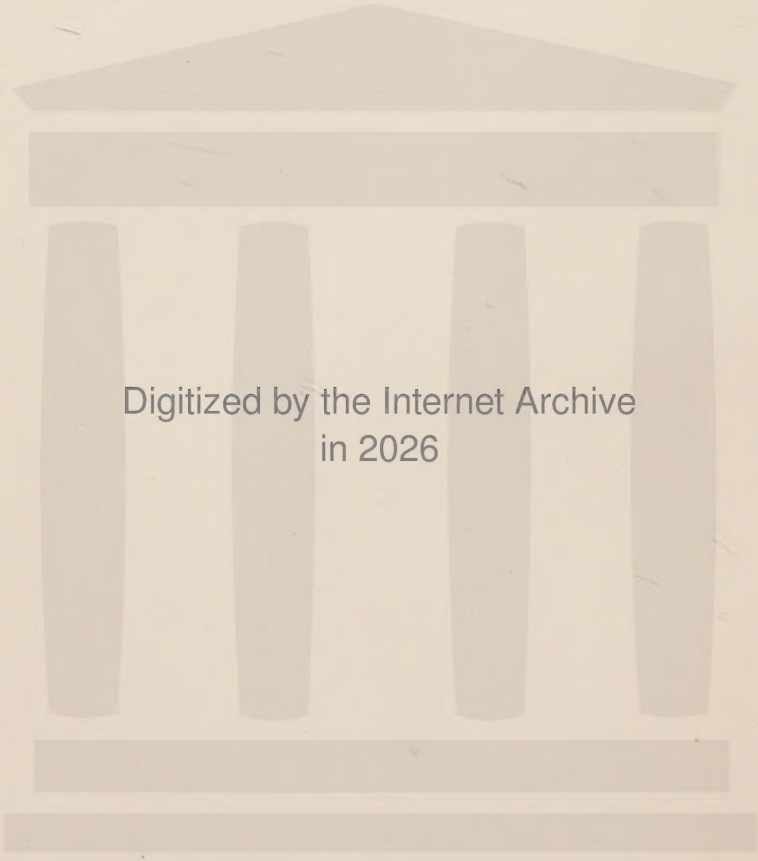
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THE HISTORY

OF THE

SOUTHERN STATES.

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THE SOUTH *in the* Building *of the* Nation

A HISTORY OF THE SOUTHERN STATES DESIGNED *to* RECORD *the* SOUTH'S PART *in the* MAKING *of the* AMERICAN NATION; *to* PORTRAY *the* CHARACTER *and* GENIUS, *to* CHRONICLE *the* ACHIEVEMENTS *and* PROGRESS *and to* ILLUSTRATE *the* LIFE *and* TRADITIONS *of the* SOUTHERN PEOPLE

VOLUME III

COMPLETE IN TWELVE VOLUMES

The SOUTHERN HISTORICAL PUBLICATION SOCIETY
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THE HISTORY OF FLORIDA.

Chapter I.

FLORIDA, 1512-1819.

Discovery and Exploration.

AS a term in the geography of Spanish-America, Florida included all the eastern coasts of the present United States, from Mexico on the south to New France on the north, and extended into the interior north and west to a distance unknown and undefined. Consequently many of the early events of history that are mentioned in connection with Florida would, under later nomenclature, be placed in parts of the territory now known to us as Virginia, Carolina, Georgia and the Gulf states. In this article we shall, so far as possible, confine our story to the actual territory comprised in the present state of Florida.

After the discovery of the islands of the West Indies, as they came to be called, and the exploitation of Mexico by the Spaniards, the superior attractions of these regions drew the voyagers that followed Columbus away from the northwest, and it is to be noted that Balboa had discovered the Pacific Ocean before any European of the time had put foot upon any part of this territory. Claims are made that Sebastian Cabot had explored, or at least seen, these shores nearly or quite as far south as Cape Hatteras, but as these claims rest on a single paragraph in the Hakluyt translation of Peter Martyr's travels, the

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evidence is insufficient to take from Juan Ponce de Leon the honor of having been the first European to land upon the soil of the future United States.

Ponce de Leon had been among the early colonists of Hispanola, having come thither with Columbus on his second voyage, but on the return of Columbus to Spain De Leon remained as an officer under Ovando, upon whose recommendation he was made governor of the Island of Porto Rico, a position he held for twelve years. His administration was marked by all the qualities that make a successful commander and colonizer, and he soon brought the country under subjection and made it highly productive and profitable. As was the practice of the day, however, he was forced to make way for a court favorite who desired to gain riches quickly.

De Leon was born in 1460, and was now over fifty years of age. Although he had amassed considerable wealth in the course of his public employments, he was not nearly as rich as some of his contemporaries, so it is probable that the approach of old age and a desire for greater possessions made him an eager listener to the tales that were in circulation concerning a not very distant island called Bimini, where, in addition to fabulous deposits of gold, was a spring whose waters were capable of restoring to age and decrepitude the form and vigor of youth. So in the spring of 1513 De Leon sailed from Porto Rico with a charter from the king authorizing him to search for and settle the mythical island.

For some weeks he sailed about among the Bahama Islands, to find that his longed-for island seemed further away the longer he sailed, so with hopes crushed he abandoned cruising in the original direction and turned almost directly westward toward a land he must have heard about while sailing among the islands. On March 27 he sighted a low-

lying shore, splendid with the early bloom and luxuriance of a sub-tropical flora, and as it was the Easter season of the year, the *Pascua Florida* or *Pascua des flored* of the Spanish, he called the newly discovered island, as he supposed it to be, Florida. He sailed north looking for a suitable harbor, so that it was not until the 2d of April that he landed at a point near the place where St. Augustine now stands. He then took formal possession of the country for the king of Spain by the right of discovery, unfurled the royal standard and set up a cross. For eight weeks or more the explorer skirted the shores of this new world, sailing south and west as far as Apalache Bay, and without making any attempt to found a settlement because of the hostility of the natives, he returned to Porto Rico with no more profitable result of his journey than the announcement that another island had been added to the Spanish realm. This, however, was not of sufficient importance to save the disappointed man from the attacks of the wits of the day, and he was most unmercifully lampooned and twitted for his failure to return as a youth in his prime.

At the time Ponce de Leon set sail he had no choice of course, except to sail to the north or northwest, for after the location of Mexico and the coasts and islands to the south of the latitude of Vera Cruz, the Spanish crown had been lavish with its grants and charters, and every foot of this territory had been preëmpted by adventurers, who drove away trespassers of their own blood as ruthlessly as they did foreigners, the only alternative being a union of forces, or a battle. Cut off from all entrance to these regions, the men who sailed after De Leon's discovery came upon his realm and returned with glowing tales of its wealth. De Leon was therefore moved to make an attempt to perform the duty im-

posed upon him by his charter, and to get out of his possession whatever there was in it of value to him. His realm was evidently much greater than he had supposed, for the explorations of the trespassers had shown that his principality was not an island, but a part of an extensive and marvelously rich continent. Among the adventurers whose tales spurred De Leon was Diego Miravello, who returned with some specimens of gold, no doubt the product of the mines of Georgia, Fernandez de Cordova and De Garay, all of whom were prevented by the hostility of the natives from making settlements, but all telling the same tale of extraordinary riches to be had for the taking. Using the remnants of his fortune to fit out another expedition De Leon sailed from Porto Rico, and after weeks of storm and bad weather reached the coast of Florida, probably near Tampa Bay. The Indians there were as fierce and intractable as they had shown themselves to be wherever the Spaniard had shown himself, and falling on De Leon and his men they killed a number of them and wounded the governor himself, who, ill and weary, abandoned Florida, and reaching Cuba, en route for Porto Rico, died there in a few days at the age of sixty-one. He left a son Louis, on whom the king conferred all the rights of his father in Florida, but who never made any attempt to claim or utilize them.

Among the adventurers who, during the nine years between De Leon's discovery and his attempt to assume control, had voyaged to the coast of Florida, was one Lucas Vasque de Ayllon, who made for himself an unsavory place in history by the treacherous manner in which he entrapped two shiploads of friendly Indians at Chicora (South Carolina). These Indians he sought to sell as slaves in Cuba, but as the chronicles says: "These Indians gave him no profit, as grief and care killed them all." However,

at least one of the captives had not succumbed, for shortly after the death of De Leon, De Ayllon appeared at Madrid with a converted, Spanish-speaking Indian from Chicora, who assisted him in proving to the king and his ministers the value and worth of the country for which he sought authority to explore and conquer. This was given him, and in 1524 his vessels sailed to explore and map the coasts of Florida, between the 35th and 37th parallels of latitude, the boundaries of his grant. On the return of his vessels with stories of great wealth, and some small tangible samples in the way of gold, silver and pearls, another expedition was sent out comprising nearly 600 persons and including three Dominican friars and some negro slaves. They landed on the coast of what is now South Carolina, and the history of their settlement is that of so many other settlements in this region—it was destroyed by the Indians.

The next serious attempt to settle Florida was made by Narvaez, one of the adventurers whom Cortez had driven out of Mexico, although he bore a patent appointing him *Adelantedo* (his Spanish title) of all the lands he might explore. In 1528 he reached Florida just north of Tampa Bay, with the remnants of a force of more than 600 men, with whom he had left Spain a year earlier; learning that they had missed the mouth of the bay, the vessels were sent back by water, while Narvaez and most of the men started overland. Vessels and men never again came together, and Narvaez started from the bay on a journey in which he experienced almost incredible hardship and misfortunes. Surrounded and harassed by hostile Indians, they fought their way north to the neighborhood of Tallahassee, and then failing to find the sources of the gold for which they were striving they turned back and reached the gulf near

the present St. Marks. Here they built boats of hides, and in these frail craft 242 men set sail for Cuba. The historian of the expedition, who was one of the few survivors, does not make clear why they sailed westward, but so they did, and in November eighty men, all that now remained, landed somewhere on the coast of Texas. From this place Narvaez, who was sleeping in one of the canoes, was blown out to sea and lost to history. In July, 1536, after years of slavery and wanderings that had carried them as far as the Pacific, four of the original party reached the City of Mexico. Later De Vaca, the historian, appeared in Spain, and by his mysterious manner, vague illusions and wild assertions, convinced many people that Florida was in fact the richest place on the face of the earth, Peru and Mexico being but poor seconds. Attracted by these possible riches, the most noted of the Spanish explorers of North America, Fernando de Soto, asked for and received the command of the lands called Florida, to which he sailed from Cuba in May, 1539, landing near the spot whence Narvaez had disembarked some years earlier. Here he found a Spaniard, a member of the troop of Narvaez, who, though taken prisoner by the Indians, had been spared at the intercession of the chief's daughter in the manner in which Capt. John Smith was saved by Pocahontas. Pursuing in a general way the course taken by Narvaez, but continuing farther inland, even to the borders of Tennessee, De Soto turned southwest and reached the head of Mobile Bay. He had taken about eighteen months to travel from Tampa Bay to Mobile, yet in all that time he had only lost about 100 of his men, a most convincing testimony to his skill as a leader and commander.

Although he had so far failed in his quest, De Soto would not give up, but after recruiting the

ON THE COAST OF FLORIDA.

health of his men, pushed west, reached the Mississippi River near the present Memphis, crossed in boats which he constructed, and traveled about in the territory now included in the state of Arkansas. In the spring of 1542 De Soto turned towards the gulf, but the end was near, and on May 21 he died. The body was first buried, then disinterred, wrapped in a mantle loaded with sand, and in the darkness of midnight dropped from the side of a canoe into the depths of the great river he had revealed to the civilized world. Fifty-one months after landing at Tampa Bay about one-half of the original army of 621 men reached the Panuco River, near Vera Cruz, in Mexico.

The coasts of Florida had thus far proved to be the burial place of nearly every Spaniard who set foot upon them. The cruelties and treacheries of the earlier explorers had planted in the Indian mind such a hatred of the white man that the history of the years following De Soto's journey is a continuous recital of the murder of missionaries, the ambushing of small bands and the instant dispatch of the shipwrecked mariners and unfortunate passengers of the stranded vessels, whose beauty, age or sex did not reserve them for the fate of slaves to savages. In 1556 the Bishop of Cuba, in whose diocese Florida was now placed, joined with others in a petition to the throne asking that the "rich" country of Florida be settled and saved to the Church and the king. Orders to that effect were given, and in 1559 the largest and best equipped fleet that had ever attempted the subjugation of the region sailed from Vera Cruz under command of Tristan de Luna, and on August 14 landed at what is now Pensacola Bay. The greater portion of the party remained here for two years, when the discontent and mutiny which had arisen, because of the

failure to find the expected riches, caused the colony to be abandoned, and De Luna was recalled. Some of the party had removed to Port Royal Sound on the Carolina coast, but the same reasons that caused the failure of the mother colony operated here, and when this promising venture fell through Philip II. decided that the experience of fifty years proved that Florida was not suitable for Spanish colonization. It was therefore determined that no more attempts should be made, and the country was neglected, if not abandoned.

But even the determination of kings is governed by circumstances, and when word reached Spain that a party of French Huguenots—heretics and business rivals in one—had settled in Florida, the prayer of Pedro Menendez de Aviles, who had been asking for the place of governor-general of Florida, was granted, and preparations hastened to supply a sufficient force to sail to the new world and expel the French heretics from Spanish soil. The settlement of the French on American soil was the result of a plan of the famous Admiral Coligny, who sought to establish in the new world a haven of refuge for the persecuted Protestants of France. For this purpose an expedition under Jean Ribaut reached the coast of Florida, near the mouth of the St. John's River, April 30, 1562, and set up a stone, but the location not being quite suitable they sailed north and landed at Port Royal, where it was decided to establish a colony. Leaving thirty of his men, Ribaut returned to France to procure recruits and supplies, but on his arrival civil war was raging, and as nothing could be done he was forced to wait. In the meantime the colonists, after exhausting the hospitality of the Indians, decided to return to France, and contriving a vessel which was surely as crazy a craft as ever ventured over the ocean, they set sail. After a long

voyage, during which they were reduced to cannibalism, they came in sight of France, but were taken captive by an English vessel, and such as were fit to travel were carried as prisoners to London.

A truce being declared between the warring factions in France, Coligny had time and opportunity to attend to his colonizing scheme and another expedition was sent over under Rene de Laudonnière, who located at the mouth of the St. John's River, and built there a triangular fort. Few of the colonists were workmen, and shut up as they were within the walls of a fort with savages all about, mutiny was not long in asserting itself, and a party of thirteen seized one of the vessels and started off for a buccaneering expedition on the Spanish main. Later a larger body made another venture of the same kind, but mutiny and mishap quickly ended the voyage, and those who remained alive returned to the fort and were promptly executed by orders of Laudonnière. In 1565 Ribaut returned and took command, Laudonnière going back to France. In this crisis, Spain felt called upon to act. Such arrogant defiance of her authority, and so open an occupation of her territory was equivalent to a declaration of war, and the feeling thus engendered was intensified when the stories of what the French deserters were doing reached Spain. For years French cruisers had ravaged Spanish commerce and burned Spanish settlements in the West Indies, and to the excited imaginations of the Spanish, the new settlement was looked upon as a fitting-out port for another fleet of destroyers. Under such circumstances this nest of robbers could not be routed out too quickly, so, as has been said, Menendez was sent forth to act as the agent of Providence in saving the American Indian from the contamination of heresy, and Spanish settlements and commerce from attack and destruction.

On June 29, 1565, about the time Ribaut was leaving Dieppe with a French force for the relief of Laudonnière, Menendez set out with his flotilla, part of which fell in with some of the ships of Ribaut, and no secret was made of the fact that the object of the Spanish expedition was to remove the French settlers, root and branch, wherever found on Spanish soil. On Sept. 6, 1565, a landing was made at what is now St. Augustine, and from that time the settlement of Florida dates, the two years 1559-61 at Pensacola not being taken into consideration. Without wasting any time Menendez marched upon the unsuspecting Frenchmen in Fort Caroline and slew 130 men, only a few of the garrison escaping to small boats in the river. Straggling parties of Frenchmen were captured and put to death. Menendez is charged with having accepted the surrender of these men under promise of mercy and then wantonly slaughtering them, but looking at the matter in the light of our fuller knowledge, this charge cannot be substantiated. Throughout the whole proceeding Menendez was uniformly fanatical and severe, and believed he was doing God's will in executing vengeance on the heretics. Moreover, the reply he made to the proffers of surrender, still extant, does not give any promise of mercy, no matter what the Frenchmen may have thought. The same answers and the same treatment were accorded to Ribaut and that portion of his men who later surrendered to Menedez, after shipwreck at Matanzas inlet, eighteen miles south of St. Augustine. Those who were thus massacred in cold blood after surrender numbered over 400. This was immediately after his return from the attack and capture of Fort Caroline. The French stories of these events make the Spanish commander swear a solemn oath, but the Spanish writers tell the tale as above and without any at-

tempt to belittle or soften the facts, for the whole affair was to them only a signal manifestation of the desire of Providence that Florida should be saved for the faith and the realm. Menendez in his dispatches ascribed the victory to God, and gave thanks therefor, a theme that was taken up in Spain and amplified.

The peculiar conditions in France made action by the court perfunctory. Spain was certainly the legal master of Florida, and in expelling invaders had acted only within her rights. Moreover, as leader of the Church, the action of Philip II. could not well be complained of by Charles IX. and his mother, Catharine de Medici, who were then warring in France for the upholding of the faith. As a matter of fact, few Frenchmen other than the Huguenots seemed to care much about the matter until Dominique de Gourges, a private gentleman, under guise of fitting out an expedition to capture slaves, undertook to avenge the slaughter of his countrymen. When near Cuba he announced to his men the real object of the trip, and as they supported him enthusiastically he proceeded to assault the Spanish forts situated at or near the site of Fort Caroline. Being assisted by the Indians, whose traditional hatred of the Spanish had been fired into action by recent atrocities, the attack was successful, and every Spaniard not slain in battle was summarily hanged, "not as Spaniards, but as traitors, robbers and murderers," as was explained by the notice he placed upon the gallows. The forts were demolished, and De Gourges hastened away "after giving thanks to God" for his victory. Thus both Spaniard and Frenchman, as Parkman points out, "laid their reeking swords on God's altar."

As a mere incident of a freebooting trip, Sir Francis Drake stopped over at St. Augustine one day in

1586, looted and destroyed the town, but it was at once rebuilt and became the centre from which the Franciscans continued their efforts to convert the Indians. For the story of these wonderful men one must consult the history written by Shea; let it suffice to say that they gave themselves to almost certain death, the ranks of the fallen being filled with ardent recruits, who did not have success to fire them, for as late as 1647 the total number of converts was trivially small in comparison with the efforts made and the lives sacrificed. No further attempts at settlement were made until 1696, when a colony was placed at Pensacola, which two years later had over 300 inhabitants, and this was the only successful attempt that Spain had made in all the 130 years since Menendez had founded St. Augustine.

Government.

The colonial government of the Spanish-American settlements differed as much from the government of the English colonies as the aims of the one nation differed from those of the other in their new-world policies. Spain aimed at an imperial domain, while England planted self-sustaining, independent settlements, each to act upon its own initiative. When England took up the government of India her methods approximated to those of Spain in the rule of her American colonies. It is not generally remembered that Columbus was the first European who made laws for America, yet such is the case, for between his first and second voyages he drew up a code of regulations for his new government which, with such modifications as time and experience proved necessary, became the foundation of Spanish jurisprudence in America. Under these provisions the emigration was to be restricted both in number and quality; the settlements were to be kept at the small-

est possible number, only four for Cuba, and these were to have such municipal governments as were enjoyed by similar towns in Castile, for it must be remembered that these new-world possessions were not so much the property of the kingdom of Spain as they were the personal appurtenances of Isabella of Castile, whose heirs happened to be the Spanish monarchs and inherited their ancestors' property. In the rules and regulations of the early days it was on the mining and shipping of gold that stress was laid, and in all of the laws of Columbus the only reference to agriculture is a provision that gold hunting should be permitted only at such times as would not interfere with the planting and harvesting of the crops. At first the Indians had been put under a system of tribute, which later was commuted for services, so that the Indians served their new masters in much the same manner as they had served their old chiefs. As the Florida Indians were never enslaved to any great extent, and so did not labor for the support of the men who would not labor for themselves, it is probable that the failure of the Spaniards in Florida was due to the lack of a sufficient laboring population. In all the affairs of the colony the Spanish monarch, acting through his council, not national officers but personal servants, was supreme, and though the viceroy had much freedom within the limits of his authority, he dared not depart very far from the exact letter of his instructions. As the colonies were the personal appurtenances of the monarch, he sought to gain from them as great a revenue as was possible, and one of the favorite methods was through the sale of offices. By this means a man who came up from the ranks, through commerce, was enabled to purchase a place of influence in the community that was not his either by right of birth or as a soldier. In the matter of

revenue Florida was of little use to the king; quite otherwise, for we find it sharing to the extent of $4,000,000 in the subsidy that the king had to give to some of the impecunious colonies in a single year.

Relations With Carolina and Georgia.

More than one hundred years after Menendez there were in all the region of Florida only the three towns: St. Augustine, St. Marks and Pensacola, with a few smaller places tributary to each. Spain had not attempted to make good her claim to all the country known as Florida, except some forays upon the places settled by the English after 1607. These visits were returned in kind, and the governor of Carolina made a descent upon St. Augustine that was so successful, that but for the accidental arrival of some Spanish vessels the city would have fallen. The war was continued and the English, united with the Creek Indians, fought the Spanish and their Indian allies, and succeeded in breaking up and destroying whatever had been accomplished in the establishment of missions. The remains of some of these are to be seen to-day and are generally given an antiquity much greater than they possess. To offset these disasters the Spanish authorities sought to incite the Carolina Indians to revolt, and for years the story is a wearying and distressing recital of the horrors of savage warfare.

On the western side of the present state the French, then established at Mobile, were troublesome neighbors; Bienville assaulted and captured Pensacola in 1719, was in turn driven out by the Spaniards and then again took possession, but being unable to hold the town burned it, dismantled the fortifications and retired. Pensacola, thus assaulted and captured three times within three months, was abandoned and not again settled until 1722, when it was rebuilt on

Santa Rosa Island near Fort Pickens, where it remained until 1763, when the present town was laid out upon the mainland. Some settlers had located on the site previous to this, but at best 1750 may be given as the date of the final settlement of Pensacola.

There being no common ground on which the contending parties in Carolina and Florida could settle their differences through discussion, and as the Spanish still incited the Indians and encouraged and harbored escaped slaves, the exasperated English resolved on a final clean-up, and in 1727 destroyed every destructible thing to the very walls of St. Augustine, thus putting an end for a long time to the forays of the Yemassee Indians and white and black renegades.

In 1732 Georgia was established, and so became a sort of buffer between the contestants in Florida and Carolina, and on the shoulders of Oglethorpe fell the duty of upholding English claims upon this region. War between England and Spain broke out in 1739, and Oglethorpe led an expedition against St. Augustine in 1740, which failed after a siege of several weeks. In 1742 the Spaniards attacked Oglethorpe, but also failed and withdrew to Cuba. Oglethorpe paid another visit to St. Augustine in 1743, but could neither capture the city nor induce the besieged to fight. The treaty of 1748 forced a truce between the fighters, but when war was renewed in 1762, Havana fell into the hands of the English. By the terms of the treaty of peace of the same year Florida was ceded to England in exchange for Havana, which was restored to Spain, and East and West Florida became part of the realm of Great Britain.

Florida as an English Province.

A proclamation of the English king in 1763 divided the new territory into four provinces, defined their

boundaries and gave to East Florida the limits the state now has, except that the western line was at the Apalachicola River, where the eastern boundary of West Florida began. The new government was extremely distasteful to the Spanish people, even the liberal regulations of the English rulers not appealing to them, and it is said that every Spaniard but five left St. Augustine and only the utmost vigilance of the new masters prevented the destruction of the city. The governors of the new colonies, which were attached to the Crown, were authorized to call general assemblies, which were to make such laws and regulations as were applied to other colonies directly under the Crown, and thus for the first time representative government in Florida was made possible.

At the breaking out of the War of the Revolution, Florida took the side of the Crown and remained staunch and true during the whole conflict. Under the circumstances, the colony became a haven of refuge for the persecuted loyalists of the warring colonies, and it is said that in 1778 alone upwards of 7,000 of these people came into her hospitable boundaries.

Although the royal governors were given power to establish legislative assemblies, none of them considered it consistent with their own interests to do so, and it was not until 1780 that the insistence of the people of East Florida forced Governor Tonyn to give way, and the first General Assembly in the province convened in December of that year.

Pensacola, in West Florida, was having troubles of its own during the time of the English occupation, most of them of a trivial nature caused by the petty jealousies and intrigues so common in small communities and which are noticeable now only so far as they prevented a development of the city at that time. In 1778 the place was said to have had several hundred fine houses; the "palace" of the gov-

ernor was a large stone edifice with a tower, a relic of Spanish days. In 1781 the Spanish under Galvez captured the town, as the British, then too much taken up with other matters, could not spare reënforcements for the garrison of 1,000 men under General Campbell. The Spanish now held the whole of West Florida, and at the conclusion of the war both the Floridas were returned to Spain as an "equivalent" for the Bahama Islands, which England was to retain.

Florida Again a Spanish Province.

Just as the people were congratulating themselves on the attainment of civil liberty, the announcement was made that the country had been turned over to Spain. Such of the inhabitants as chose to go away were given eighteen months to settle their affairs. This many did, and Nova Scotia, England, Jamaica and other West Indian Islands gave the refugees a more or less chilly welcome. Where to go with their slaves was the main question, and such as were least liable to the troubles of returning "loyalists" or "Tories" ventured into the states of the Union nearest them. More than 1,400 negro slaves were added to those in South Carolina by this exodus. The impossibility of getting rid of all the inhabitants led Spain to offer some concessions, so those who would take an oath of allegiance to his catholic majesty and consent to put themselves in the way of being converted to the Catholic faith were given special privileges. Only a few of the former Spanish residents returned to the province on the restoration of the old régime, so the majority of the people were British who chafed under the reactionary rule of their foreign masters. Almost at once the troubles between the settlers and the Indians began again, fomented by designing white men such as Bowles

and McGirth, who had married into the tribes and used the savages for the advancement of their own selfish ends. It is stated by some writers that the continuance of Spanish rule in Florida at this time was made possible only by the assistance of Alexander McGillivary, the son of a Scotch father and an Indian mother, who became, by election, the chief of the Creeks, whom his influence kept loyal to the treaty he had made for them with the Spanish authorities. So great was this influence that it could not be overcome, even when it was proven that he had held commissions in turn, and occasionally at the same time, from Spain, England and the United States, which now came upon the scene as the successor of the Carolinas and Georgia. The exigencies of European politics necessitated another change in the boundaries of the lands still called Florida, and in 1795 Spain turned over to France that portion of her province of West Florida lying beyond the Perdido River, and from this time forward the name is restricted to the territory of the present state to which Spanish dominion in the North American continent was thenceforward confined, outside the limits of Mexico. Eight years later the ceded territory was sold to the United States by Bonaparte, and appears thereafter as the Louisiana Purchase.

During the agitation that led to the War of 1812 it was thought that the British intended to seize Florida, and measures were taken to prevent such a movement, and a United States force was prepared ready to invade Florida the moment the British intention was made manifest. Nothing resulted from this particular movement, but in the course of subsequent hostilities a party of frontiersmen gathered in southern Georgia for the purpose of invading Florida and assisting a rebellion of those who were seeking "to establish Republican institutions in

Florida." The "patriots" assembled at St. Marys, formed a provisional government, chose Gen. J. H. McIntosh to be governor and Colonel Ashley to be military chief of the "Republic of Florida." In conjunction with an American fleet which, for strategic purposes, it was thought should occupy Fernandina (which, as a neutral port, had rendered nugatory in the southern country the provisions of the "embargo acts"), the insurgents secured possession of the fort on Amelia Island and transferred the command to General Matthews, the United States officer, who was on the spot to take advantage of just such an opportunity. This breach of international law led to a bitter dispute between Spain and the United States, but as Congress would not run the risk of war and failed to support President Madison, he was forced to disavow the act of General Matthews, relieve him of his command and place Governor Mitchell, of Georgia, in charge. While the Amelia Island affair was in course of settlement, a band of negroes sent out by the governor of St. Augustine ambushed a party of United States troops, mostly invalids, and killed and wounded a considerable number.

Governor Mitchell called for volunteers to attack St. Augustine, but the coming of a new Spanish governor and the indisposition of the Washington authorities to support the movement led to an accommodation, and the camp was broken up.

During the war of 1812-14 the Spanish authorities favored the English, and with their permission and connivance a fleet entered and occupied Pensacola, raised the British flag over the forts, took the nearby Indians under their protection and encouraged them to kill and destroy. General Jackson attacked the place and, capturing it, dismantled the forts, which the Spanish rebuilt later. On the Apalachi-

cola River the British had established a barricade or fortification, which was professedly a refuge for runaway negro slaves and hostile Indians. After the war had ended the desperadoes who filled the place, now transformed into a formidable fortress, defied both the Spanish and the United States governments, and their depredations becoming unbearable, General Jackson was commissioned to get rid of them, which he did in his usual thorough manner, hanging the leaders as murderers (they had killed some of the besieging force) and returning the slaves to their American and Spanish masters. The Indians were still ravaging, being encouraged and assisted by British agents, and when in the course of his operations Jackson captured some of these alleged agitators, he summarily hanged two of them, Arbuthnot and Ambrister. The Indian troubles did not end with the death of the British emissaries, and when Jackson had reason to think that the Spanish governor was supplying the Indians with munitions of war, while he endeavored to keep American boats from ascending the Escambia River, he took possession of Pensacola and held it until the territory was ceded to the United States. The treaty of Feb. 22, 1819, provided that the United States should assume all the claims of American citizens against Spain amounting to $5,000,000. This arrangement was not confirmed by Spain until two years later, so that the United States did not take formal possession until July 10, 1821, at St. Augustine, and July 27th at Pensacola.

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Chapter II.

FLORIDA, 1819-1861.

Purchase from Spain.

Spain ceded the Floridas to the United States on Feb. 22, 1819; but the final ratification and proclamation of the treaty was delayed two years, and did not take place until Feb. 22, 1821. By the terms of this treaty, the high contracting parties relinquished all claims for damages against one another, and his Catholic Majesty ceded to the United States "all the territories which belong to him situate to the eastward of the Mississippi, known by the name of East and West Florida." (Article 2.)

In consideration of this cession, the United States agreed to assume and satisfy the private claims of its citizens against Spain "to an amount not exceeding $5,000,000 (Article 11), and to "cause satisfaction to be made for the injuries, if any, suffered by the Spanish officers and the individual Spanish inhabitants by the late operations of the American Army in Florida." (Article 9.) Under these provisions, the United States paid to its own citizens, in settlement of their claims against Spain, the full sum stipulated in the treaty, $5,000,000, and to Spanish subjects, in settlement of their claims against the United States, the sum of $1,024,741.44.

On March 3, 1821, Congress authorized the President to take possession of the territory and to appoint such an officer or officers as he should deem necessary for its proper government. There being no time to legislate adequately for the new possessions, they were left under the common and existing

laws, with the exception of the Federal revenue laws and those governing the slave trade.

The First Territorial Governor (1821).

Andrew Jackson was immediately appointed governor, with powers practically unlimited, except in the matter of levying taxes and granting land. To him the Spanish governor, Don Jose Callava, surrendered his authority at Pensacola, the capital of the western territory, July 17, 1821. On July 10 preceding, Col. Robert Butler, as representative of General Jackson, had received the surrender of East Florida at St. Augustine from the Spanish governor Coppinger; and on March 25, 1822, Lieut. Matthew Galbraith Perry, of the United States navy, took possession of Key West.

Governor Jackson divided the new territory into two counties, Escambia on the west of the Suwannee River, and St. Johns on the east, and issued ordinances providing for the proper administration of justice, and regulated the sale of liquors and the practice of medicine. He did little else during the brief period of his governorship, save display some of the worst traits of his character in high-handed treatment of the retiring Spaniards and the civil authorities of the territory. He soon tired of his new position, and resigned in the autumn of 1821, after a little more than six months in office.

Congress now had an opportunity to take the necessary steps to give Florida proper laws and proper standing as a territory; and in the spring of 1822 a territorial government was organized with legislative and executive powers vested in a governor and legislative council, consisting of "thirteen of the most fit and discreet persons of the territory." All the officers of the territory, together with the

territorial delegate in Congress, were appointed by the President.

Governor Duval (1822-1834).

William P. Duval, a native of Virginia, but having been long a resident of Kentucky, was appointed governor, and George Walton, of Georgia, was appointed secretary of the territory. John C. Bronaugh was the first president of the Legislative Council.

Governor Duval held office for twelve years, until 1834. He was a man of great ability, wit and courage, and a famous raconteur. His long administration is full of almost romantic interest, and many measures of great importance to the state, some of which are still subjects of discussion, were inaugurated during his tenure of office.

At the beginning of his administration the white population of the territory consisted of a few old but feeble settlements along the seacoast, the chief of which was St. Augustine on the east, with a population of about 2,000 souls, and Pensacola on the west, with a population (lately much reduced by an epidemic of yellow fever) of about 1,400. These two regions of white settlements were separated in fact by nearly 400 miles of Indian-infested wilderness, and in tradition and sentiment by the old division into two Floridas, with their separate capitals, governors and interests. One of the first problems, therefore, that confronted the new government was that of bringing together the two sections, and creating in them a sense of territorial unity and homogeneity. This could not be done until (1) a common centre of official life could be established; (2) means of safe and convenient communication could be opened between the east and west; and (3) the Indians, who held the middle districts, could be dis-

posed of. To these tasks the authorities of the new territory addressed themselves with promptness and vigor.

The first Legislative Council was held at Pensacola in June, 1822, and the second at St. Augustine in June the following year. At this meeting commissioners were appointed "to select the most eligible and convenient situation for the seat of government." These commissioners made their explorations during October and November of that year, and selected, as the site of the permanent capital of the territory, a point about midway between St. Augustine and Pensacola, in what was known as Gadsden county. There was a group of Indian towns here, known generally as the Fowl Towns, one of which was called Cahallahatchee, or New Tallahassee, and another Old Tallahassee. The Indians occupying the district agreed to relinquish it; and the governor issued a proclamation on March 4, 1824, calling upon the members of the Council to assemble at this site of the new capital for the next meeting. The Indian name Tallahassee was retained, and the first council meeting was held there in November, 1824.

In his message to this Council, the governor alludes with high approval to the appropriation made by Congress of $23,000 "for opening a high road from Pensacola to St. Augustine." This measure had been agitated in the territory from the beginning of Duval's administration. It had been authorized by Congress in the spring of 1824, and was rapidly pushed to completion.

In the beginning of Duval's administration, the Seminoles ranged freely from the extreme south to the Georgia line, and from the Atlantic to the Gulf. Their numbers at this time were variously estimated from 3,000 to 10,000. Sprague, whose estimate is

most reliable, reckons them at 3,899 Indians, besides 800 negro slaves. Jackson had already notified some of the chiefs (1821) that their possessory rights were uncertain and that their liberties would be restricted, and Duval held that their concentration within rather narrow and prescribed limits "was indispensable to the settlement of Florida and to a free communication between the east and west of the territory."

It was pretty generally realized that both for their own interests and for that of the whites they must be disposed of, either by a complete removal from the territory, or by a concentration within a restricted area. The latter policy, which might even then have been recognized as an impossible one, prevailed for the time being; and consequently Governor Duval, James Gadsden and Bernardo Segui, acting as commissioners for the territory, secured an unwilling consent from the chiefs to be "concentrated and confined" within a region running northwest and southeast in the middle of the peninsula, about 120 miles long, and sixty miles in average width, and embracing some of the most desirable land in the territory. This reservation as at first assigned embraced the present site of the cities of Lakeland, Leesburg, Eustis, and others; and was afterward extended northward so as to embrace also the site of the present city of Ocala.

The treaty by which this reservation was determined is known as the treaty of Fort Moultrie, and was signed by the minor chiefs on Sept. 18, 1823. Six of the principal chiefs, however, refused to sign the treaty or to give up their homes, and then an "additional article" was added by which they received four special reservations on the Apalachicola and Chattahoochee rivers.

Trouble arose almost immediately. The whole

treaty was an effort to compromise between the rights of the aborigines and the progress of white settlement and civilization. It would have been impossible, with the best of intentions on both sides, to have dealt with the Indians according to the provisions of such a treaty. Racial amalgamation (which was advocated in an interesting article in the *Pensacola Gazette* of the day) was the only possible solution of the situation if the Indian and his descendants were still to occupy the land; but this was impossible, while at the same time neither the red man nor the white man was of a character or temperament to give the treaty even temporary efficacy. The land greed of the white man could not consent to see the Indians in peaceful possession of this fair and fertile country, while the roving habits and disposition of the red man frequently carried him beyond the ill-defined boundaries of his reservation. Runaway slaves and roaming stock were a constant source of friction, which contraband whiskey and swindles, violently avenged, did not tend to allay.

At last, through the influence and work of Col. James Gadsden, of Florida, the Indians, brought to it by constant pressure and persuasion, consented to make a treaty for their removal to Arkansas. The treaty of Payne's Landing, which they were brought to sign after great difficulties on May 9, 1832, provided that the Indians should send a delegation to investigate the Trans-Mississippi country proposed for their occupancy, and "should they be satisfied with the character of that country" the nation would migrate thither. The delegates, after some three months of exploration, expressed themselves as satisfied, and consequently on March 28, 1833, entered into the additional treaty of Fort Gibson, Arkansas, which made effective the terms of removal tenta-

tively agreed upon by the treaty of Payne's Landing. Apparently the Indians at home had not intended to vest their delegates with such full powers, but expected to receive their report in council before such final action should be taken. When the delegates returned to Florida they found the sentiment of the people such that they deemed it wise to repudiate their act at Fort Gibson and refused to leave the country. Consequently Duval's administration, which had begun with promising negotiations with the Indians, closed after twelve years of bickering and friction with the Indian situation worse than at the beginning and with another crisis impending in that inevitable and universal war of white civilization and progress against colored rights and wants.

Despite this constant friction and uncertainty concerning the Indians, there was great activity during Duval's administration in the organization and improvement of the territory.

The settlement of the country proceeded rapidly. A writer in the *Pensacola Gazette* (May 13, 1826), basing his estimate on the number of votes cast in the preceeding election, calculated the population at 10,000 souls; but in 1828 Governor Duval said in his message to the Council: "Such has been the tide of immigration that it is believed that the census of 1830 will entitle us to admission as a state in the great National Union." The new settlers were mainly from Alabama, Georgia, the Carolinas, Tennessee and Virginia, and the larger number settled in the middle section of the state, which was at this period the most populous and influential in the territory. Foreigners also entered into the constitution of the growing population—the Spaniards who remained after the cession, especially in the old settlements; settlers of Scotch descent, who occupied the Euchee regions, and Frenchmen who, under the

influence of Lafayette, who had received a grant of a township near Tallahassee at the time of his visit to this country, came into that section to make their homes.*

While the governor's estimate of growth proved too sanguine, the census of 1830 showed a population of 34,720, of whom about one-third were slaves. There was still, however, a great lack of the sense of unity in the territory, and a strong sentiment existed for the annexation of West Florida to Alabama. As early as 1821-22 a memorial was presented to Congress by the citizens of West Florida calling for such an annexation. East Florida also favored it; and in 1838 a meeting of the citizens of St. Augustine demanded it. This sentiment appeared again at the time of admission of the territory into statehood, and was recognized in the bill for the admission of the state as first presented in Congress. It appeared again in the fifties, and did not finally die out until the close of reconstruction.

This early cosmopolitan society possessed more than the average degree of learning and refinement for a new state; and the vices that marred it were rather characteristic of the period than of the people. Gaming, the lottery and the duel had their place and flourished. The duel and its lewder counterpart, the brawl, seem to have been especially common, and a goodly number of the leading men of the territory took part "with credit" in these affairs of honor. In 1828 Judge Randall devoted the major part of his charge to the grand jury of Leon county to a discussion "of the frequent private rencontres and sanguinary conflicts which have repeatedly taken place in this community." Its virtues, however, were stronger than its vices. Hospitality and

*The most notable of these was Achille Murat, who stood for election to the Legislative Council in 1829, but withdrew before the election.

chivalry, courage and patriotism were there in liberal measure, at once to temper the crudeness of pioneer conditions and to afford a substantial basis for social and civic progress.

The subject of popular education, both higher and lower, began to receive attention almost immediately after the cession of the territory. The Legislative Council in 1824 memorialized Congress to assign one or more townships of land "in the middle district" of the territory for the establishment of a territorial university; and the following year Acting-Governor George Walton recommended to the Council the establishment of a university "and of such institutions connected with it as may effectively provide for popular education." In 1836 Congress authorized the sale of lands for the support of the University of Florida, of which the territorial delegate, Joseph M. White, the governor, Richard K. Call, and others were named as trustees. But nothing came of this movement, and there was no University of Florida until long after the War of Secession.

In 1823 Congress set aside two townships of land, one in East Florida, the other in West Florida, "for the use of a seminary of learning"; but the matter rested there for nearly thirty years. The territory had received from Congress its sixteenth section of public lands for the common schools, and in 1828 the Council undertook to lease these lands to begin the establishment of an educational fund for primary and secondary education; but there were few renters and nothing was accomplished.

An agricultural society was established in East Florida as early as 1824 and took an active and intelligent interest in the affairs of the territory for a few years. Another similar society is mentioned at Tallahassee in the following year. In 1831 the Florida educational society was organized at Tallahassee

and a branch established at St. Augustine. An effort was also made at the same time for a free school at St. Augustine. There were also private schools at these places and in several other interior towns.

These various movements for the education of the people created at the time considerable interest and enthusiasm; but conditions in the territory were too unsettled and the population was too sparse for any concerted and successful educational movement; and the real history of education in Florida does not begin until many years after Governor Duval's administration.

The financial affairs of the territory during this period were in most unsatisfacory shape. The citizens were not compelled to support the territorial government, but expenses had to be derived from Federal sources, and the small receipts from customs at Pensacola and Key West were entirely inadequate for that purpose. As early as 1824 the Council passed bills incorporating the banks of Pensacola and St. Augustine. They proposed to establish what would be perpetual corporations, with no state supervision or control, and with no restrictions as to the amount the directors might lend themselves, and no guarantee of specie payments. These bills the governor vetoed, much to the disgust of a strong minority of his Council. Four years later, over the governor's veto, the Council authorized the incorporation of the Bank of Florida, at Tallahassee, with a capital of $500,000 and a charter to run fourteen years. The following year, nothing having been accomplished meanwhile, the charter was amended so as to increase the capital to $600,000 and extended to 1850, but this bank was the subject of much complaint, and the charter was revoked in 1844. Numerous other banks were incorporated about this time—the Bank of West Florida in 1829, that of St.

Augustine in 1831, that of Pensacola in 1832, that of Jacksonville in 1835, and others.

The young territory also fell into the same financial pit into which fell Alabama and Mississippi. In 1833 the Council incorporated the famous Union Bank of Tallahassee, whose capital stock of $1,000,000 was to be sold to the holders of productive real property or slaves in the territory on mortgages on their property. On the security of these mortgages the territory issued $1,000,000 in bonds to provide cash capital for the enterprise. These bonds, pledging the credit of the territory, were known as "faith bonds" and played an interesting part in the subsequent political history of Florida. One-half of the bank's proceeds, after setting aside a sum equal to the capital stock, was to go to the stockholders, the other half to the territory. Of this latter portion, one-half should be devoted to educational purposes—a device not then new and not now unknown. This bank suspended specie payments in the panic of 1837, when the territory issued $2,000,000 of additional bonds to tide it over. Three years later it defaulted on its bond interest and proceeded slowly to wind up its affairs. This was not the only venture of the kind to which the territory lent its name. It endorsed bonds for $500,000 for the bank of Pensacola in 1835, and guaranteed the notes of the Southern Life Insurance and Trust Company about the same time. Some of these notes and bonds were provided for by the territory; but those outstanding were not recognized after the territory became a state.

Governor John B. Eaton (1834-1835).

Duval's administration closed before Congress ratified the treaty of Payne's Landing with the Indians. His successor in office was John B. Eaton, a North Carolinian, and a strong supporter of Andrew

Jackson, who made him successively secretary of war, governor of Florida and minister to Spain. In his brief tenure of office the treaty of Payne's Landing and the additional treaty of Fort Gibson were signed (April 9, 1834), though the governor himself had grave doubts as to the legality of the ratification and wrote to the secretary of war, saying: "Avoid the exercise of force as long as possible and let it be the only last sad alternative; and then, let not by any means the militia be appealed to—they will breed mischief." But his discreet and pacific advice was not followed. Congress proposed to effect the fulfillment of the treaty by force if necessary; and General Thompson was sent as Indian agent, and General Clinch was put in command of the military, to see that the treaty was carried out.

Governor Call (1835-39, 1841-44); Florida a State.

At this juncture Governor Eaton was succeeded by Richard Keith Call, a native of Virginia, who had served with great distinction in all of Jackson's Indian campaigns, had commanded the territorial militia, and was one of the most able and distinguished men in the early history of the territory and the state. Governor Call fell heir to the Indian difficulties, and his two administrations were largely taken up with the Indian war which followed.

The effort of Congress to enforce the treaty and remove the Indians brought the trouble to an issue. The chiefs had repudiated their agreement to emigrate, with the exception of Charley Emathla, who was soon murdered for his attitude. Further negotiations and more friction followed their refusal. The young chief Osceola, or Powell, came to the front and dominated the councils of his people. Murder, rapine and arson closed the door to any possible pacific settlement, and the inevitable Indian war began.

OSCEOLA.

On Dec. 28, 1835, four days before the day set for the final removal of the Indians, while the whites were eagerly waiting for the first chance to rush into and occupy their country, General Thompson, the agent, and Lieut. Constantine Smith were killed from ambush at Fort King, and the sutler and his companions were murdered and the store burned. The same day two companies of troops under Major F. L. Dade were waylaid by the Indians on the road to Fort King in what is now Sumter county, not far from Sumterville, and out of a total of 110 officers and men only three escaped.

During the following year the war was continued under Generals Clinch, Scott, Call and Jesup. The militia was called out, and Governor Call himself took the field and served with great distinction throughout the year, especially at the battle of Wahoo Swamp in November.

Early in the next year (March 6, 1837) the Indians capitulated to General Jesup, agreeing to withdraw immediately south of the Hillsborough River, and to emigrate in full force, as soon as arrangements could be made, to the territories west of the Mississippi River. Hostages were given by them, and the whites believed that the war was over. Troops were discharged, and old settlers returned to ruined homes and new settlers sought locations. Large numbers of Indians gathered at a camp near Fort Brooke (near Tampa) for embarkation and drew rations and clothing from the government. Everything seemed propitious for their removal, when suddenly, under the influence of Osceola, every Indian left camp and disappeared.

Hostilities were immediately resumed. Osceola was captured by treachery in October, 1837, and was sent with seventy-two others to Fort Moultrie, S. C., where he died. General Jesup began his winter

campaign in October (the normal season of campaign was reversed in this war, by reason of the Florida climate), and the battle of Okechobee was fought on Christmas Day of that year (1837), Col. Zachary Taylor commanding. In this action, the last important pitched battle and the most sanguinary of the war, the whites lost twenty-seven officers and men killed and 111 wounded. At the close of the campaign General Jesup reported 2,400 Indians captured, surrendered and killed, including 700 warriors. In May, 1837, 1,229 were sent to Arkansas and 330 the following month. The war continued during the next two years; but in May, 1839, Gen. Alexander Macomb was sent to Florida "to make an arrangement with the Seminoles." He had a talk with the chiefs, and assigned them to a temporary location in the far southern part of the peninsula in which they agreed to remain "until further arrangements are made." Clothing and supplies, including a liberal amount of liquor, were issued to the Indians, and Macomb announced on May 18 that "he had that day terminated the war with the Seminole Indians."

This pompous peace lasted two months, when hostilities were renewed. Loud demands for more drastic measures followed. Governor Call had been removed from office and Gov. Robert Raymond Reid, who was appointed in his stead and held office from 1839 to 1841, said in his message to the Territorial Council in December, 1839: "We must fight fire with fire; the white man must, in a great measure, adopt the mode of warfare pursued by the Indian. * * * It is high time that sickly sentimentality should cease. 'Lo, the poor red man' is the exclamation of the fanatic pseudo-philanthropist; 'Lo, the poor white man' is the ejaculation which all will utter who have witnessed the inhuman butchery of women and

ZACHARY TAYLOR AT THE BATTLE OF O-KE-CHO-BEE, FLORIDA, IN 1836.

children and the massacres which have drenched the territory in blood." The Council, therefore, sent to Cuba for bloodhounds with which to track the Indians to their hiding-places in swamps and hammocks. This expedient was a failure, though it created a great stir among humanitarians away from the seat of conflict.

Throughout the year 1840 and the early months of 1841 the Indians roamed widely, and massacres occurred in various sections of the territory. In the spring of 1841 (May 31), Col. W. J. Worth was put in command of the troops in the field. He adopted the Napoleonic policy of ignoring the seasons, and pursued the Indians remorselessly summer and winter; and by seizing and holding all that he came in contact with he soon brought them to dire straits. One by one the chiefs gave up the fight, until the total number left in the territory was a mere handful. These were estimated by Colonel Worth at 301; and, in the spring of 1842, he proposed to leave them at liberty in the extreme southern portion of the territory so long as they gave no cause for further action. This suggestion, which had been put forward by General Jesup, but then repudiated, was finally accepted by the government, and on Aug. 14, 1842, Worth was able to announce, this time more modestly and truthfully than a former similar announcement, "that hostilities with the Indians within this territory have ceased." At the same time he assigned those who remained a location south of the Pease River.

Thus ended the longest and most stubbornly contested of all of the Indian wars. It had lasted seven years, and had kept in the field an average of nearly 5,000 troops per year, running as high as 8,800 in 1837. It had enlisted over 20,000 volunteers, drawn from Florida and other Southern states, and even as

far north as Pennsylvania and New York. It had cost the lives of 1,500 regulars, to say nothing of many volunteers and settlers massacred throughout the territory, and had entailed the expenditure of $20,000,000.

Governor Call, who had been removed from office in 1839 by Van Buren, had been reappointed by President Harrison, and his administration, in addition to its war history, is conspicuous for the progress of the territory towards statehood.

In 1837, upon the recommendation of Governor Call, the Council decided to call for a vote of the people on the question of a constitution looking to the admission of Florida as a state. The voters favored the movement, and the first constitutional convention in Florida was held at St. Joseph in December, 1838. There were fifty-five members of the convention, and Judge Robert Raymond Reid was elected its president. This convention drafted a constitution, saying in the preamble that "the people of Florida formed themselves into a free and independent state by the name of the State of Florida," and claiming admission into the Union on that footing.* The acts of the convention were then referred to the people, and the constitution was adopted by a small majority.

But the matter was by no means settled, even in so far as the territory itself was concerned. The freeze of 1835, followed by many and widespread storms in 1841 and 1842, combined with the financial trouble of 1837 and the confusion and terror of the Indian War, made many citizens oppose the movement on the ground that the state was not able to conduct its affairs without Federal patronage and support.

*Among the provisions of this constitution, in addition to the usual distribution of authority among the various branches of the government, it was specified that no bank officer should be elected governor or sit in the legislature, and that no minister of the Gospel should be either governor or a member of the legislative body.

Consequently the Council of 1843 reversed the action of the Council of 1838 in so far as to urge the delegate in Congress to work against the admission of the territory. The question of division into East and West Florida again came to the front, as has already been shown, and found support in the large and populous middle section. Despite opposition from the various elements at home, the territory was admitted to the Union as one state on Feb. 13, 1845; not because it was prepared for statehood (the population in 1840 was 54,477, including slaves), but because Iowa wanted admission as a free state, and the balance of power demanded the simultaneous admission of one and no more than one slave state at the same time. Iowa was unwilling to stay out, and Florida had to come in; and as Iowa had to come in as one state, Florida had to come in as one state also.

Upon the admission of the state, the St. Joseph constitution came into effect and continued in operation until the War of Secession.

Governor John Branch (1844-1845).

John Branch, a native of North Carolina, and a former governor of that state, was the last governor of the territory, and held office from 1844 to 1845.

Governor William D. Mosely (1845-1849).

On May 16, 1845, William D. Mosely, another North Carolinian, was elected the first governor of the state, after a vigorous campaign against former Governor Call. Mosely held office for four years, and the affairs of the new state proceeded quietly during his administration. He was a strong and outspoken champion of the Southern interpretation of the constitution, and was in the habit of speaking of the Union as a "confederacy" of supreme and sep-

arate states. During his administration the capitol was completed, and the sale of public lands progressed rapidly. Governor Mosely was also a strong friend of education, and urged upon the legislature the establishment of a system of common schools "that would bring an institution to every man's door"; but the result of his active interest along this line became more apparent in the administration of his successor.

Governor Thomas Brown (1849-1853).

Governor Mosely was succeeded by Thomas Brown, a native of Virginia, who was elected governor by the Whigs in 1849 and held office until 1853. Governor Brown was an active and energetic man, to whom the progress, "if it may be called progress," of the state seemed very slow. He was a staunch and active friend of public education and an advocate of such fair and just dealing with capital and its rights as would have earned for him to-day the mob-judgment of a "corporation governor."

On the admission of Florida as a state, Congress had added two additional districts of land to those set apart under Governor Duval for seminaries of learning, and had specified the location of the seminaries east and west of the Suwannee River respectively. The state legislature, in accordance with these acts, passed a bill in 1851 establishing the seminaries, and specified that they should give instruction to both sexes "in the art of teaching all the various branches that pertain to a good common school education, and * * * in the mechanic arts, in husbandry and agricultural chemistry, etc."

These two seminaries were known as the seminary east and the seminary west of the Suwannee River; or, popularly, as the East and West Florida Seminaries. The East Florida Seminary was located at

Ocala in 1852, and opened for the students the following year. In 1866 it was removed to Gainesville. The West Florida Seminary was located at Tallahassee in 1856. These two were the only higher institutions of learning established in Florida prior to the war; and they could be called "higher" at that time only in comparison with the very feebleness and fruitlessness of the general educational movement in the state.

In 1839 the legislature had provided for township school trustees; and in 1844 the townships were incorporated for school purposes, and the control of the sixteenth sections came into the hands of the local trustees. In 1849 a common school fund was created which was to include, besides the regular proceeds of school lands, 5 per cent. of the net proceeds of the sales of other public lands granted by Congress "and the proceeds of escheated estates and property found on the coast"; and the same act established the first crude system of common schools for the state. Local taxation for the support of schools was authorized the following year, but met with a cold reception. The people did not care to tax themselves for education, and what little was paid was regarded as a charity for the education of the poorer classes.

In 1840 there were fifty-one common schools and eighteen seminaries and academies in the territory, with an enrollment of 1,657 pupils out of a white population of about 30,000. By 1850 the number of schools had increased to seventy-nine (sixty-nine common schools), and the number of pupils to 3,129 —this out of a total white population of 47,000. In 1860 there were 6,500 pupils in the schools of the state, of whom only 2,000 were enrolled in the ninety-seven public schools, while 4,500 were enrolled in the 138 private academies. At this time the white

LIBRARY OF
LAMAR STATE COLLEGE OF TECHNOLOGY

population of the state numbered 77,000 people. Thus the beginning of public education was involved in great difficulties, and its progress was extremely slow.

From 1855 to 1857 more Indian difficulties occurred. Indeed, but for the weakness of the Indians and the great increase in white population and strength, there would have been a repetition of the Seven Years' War. As it was, great excitement was created, especially in the southern and middle sections of the state. Regulars and volunteers were called into the field, $30,000 was appropriated for the campaign, and rewards running as high as $500 each were offered for the capture of the Indians. Several skirmishes took place in 1856-57, in which the Florida volunteers played a brave and conspicuous part and several gallant and promising young officers were killed. In 1857 a delegation of Seminoles was brought from the west to persuade their former associates and fellow tribesmen to cease hostilities and abandon the country. Their mission was partially successful, and Billy Bowlegs, a survivor of the Seven Years' War and the moving spirit in later disturbances, with about 160 others was removed to the west. After their removal, in 1857, hostilities again ceased, and have never been renewed, though a remnant of the Seminoles, estimated in 1880 at 205, and at the present time at about 350, still remains in the Everglades.

The discussion of slavery and of the nature of the Union was carried on in Florida with warmth and vigor as in the other Southern states at this time. The St. Joseph constitution, still in force, contained two clauses which indicated the attitude of the leaders in Florida from territorial days towards the negro. They were as follows: "The General Assembly shall have power to pass laws to prevent

negroes, mulattoes and other persons of color from emigrating to this state, and from being aboard any vessel in any of the ports of Florida"; and, "The General Assembly shall have no power to pass any law for the emancipation of slaves." By the latter of these provisions it will be seen that slavery was imbedded in the very constitution of Florida, and nothing short of a constitutional amendment, always difficult to pass, could destroy its hold. And the sentiment expressed by Governor Perry, in his message of 1859, that slavery was "that institution which lies at the basis of Southern prosperity, power, civilization and happiness," generally prevailed among the leaders of the day. Consequently Florida could not fail to view with alarm both the growth of abolition sentiment and the increasing influence of non-slavery or anti-slavery forces in Congress by the admission of additional free states into the Union. As has been previously shown, Florida had served as a balance at the time of the admission of Iowa, and there had been a strong sentiment in favor of dividing Florida so that it might later be admitted as two slave states; but Florida's effectiveness as a balance was consumed at the time of her joint admission with free Iowa, so that there was no other device left to the state but one of clamor and legislative opposition to the admission of other free states. The legislature of 1849, protesting against proposed anti-slavery legislation in the District of Columbia, and in regard to the status of California, New Mexico and Arizona, declared that Florida would not "recognize as binding any enactment of the Federal government which had for its object the prohibition of slavery south of the line of the Missouri Compromise," and asserted Florida's readiness to take any necessary steps to defend her rights. In his message to the legislature in 1850

Governor Brown took a very serious view of the situation, and requested authority to summon the Southern states into convention should the fugitive slave law be repealed by Congress. But there was strong opposition to any hasty or hysterical action both among the people at home and in the legislature, and the more radical leaders were not able to precipitate the crisis at this time.

Governor Joseph E. Broome (1853-1857).

In 1852 Joseph E. Broome, a native of South Carolina, was elected governor on the Democratic ticket with a majority of only 300 over the opposing Whig candidate. He held office from 1853 to 1857, and the period of his administration is characterized chiefly by the work of internal improvement in the state.

On the admission of Florida into the Union, the state had received 500,000 acres of public lands for the purpose of internal improvement, under the act of Congress of 1841. Nine years after (1850), Congress assigned to the state for a like purpose its "swamp and overflowed lands," which later amounted to nearly 20,000,000 acres. The first important act looking to a wide and progressive employment of these resources was passed in 1855. This act, known as the "Internal Improvement Act," vested these public lands in a board of trustees, and specified that a railroad from Jacksonville to Pensacola, with suitable branches, and another from Amelia Island (Fernandina) to Tampa, with a branch to Cedar Keys, together with a canal to connect the St. Johns and Indian rivers, should be considered as "proper objects of improvement." These railroads were therefore immediately projected, and the trustees of the internal improvement fund undertook to guarantee interest on their bonds amounting to $3,500,000. The following year Congress set

aside for these railroads "every alternate section of land for six sections in width."

These liberal provisions of the internal improvement board and Congress led to great activity in railroad work, and numerous roads, in addition to the ones specified above, were incorporated.

Though progress in this direction was checked by the war and the disturbances immediately preceding it, the road from Fernandina to Cedar Keys, from Jacksonville to Tallahassee, from Pensacola to the Alabama line, and two other short roads were completed, a total of 416 miles, by the beginning of the war—an unusually creditable record, at least in so far as mileage is concerned, considering the population and wealth of the state.

The finances of the state were in bad shape. During the first decade of state history a deficit of $90,000 had accumulated, the revenue having averaged only about $50,000 per year. In 1856 a bond issue of $500,000, the only state issue before the war, was authorized in an effort to place the finances upon a satisfactory footing. Despite this fact, the deficit of the state, exclusive of the outstanding bonds, was $97,000 at the beginning of the war. There was, however, no repetition of such legislation as gave birth to the Union Bank and other wildcat enterprises of an earlier day. Indeed, the Constitution of 1839 had laid considerable restrictions upon the privilege of incorporation. No papers of incorporation could be issued without the consent of two-thirds of both houses of the legislature and three months prior publication of intention to incorporate. In the case of banks, the constitution required that there should be twenty incorporators, the majority residents of the state, and that the life of the charter should be twenty years; and it prohibited any further pledge of the credit of the state, such as had

issued in the "faith bonds" of the Union Bank. As a consequence of these restrictions there was no Florida bank in operation in the state for the first ten years of state life, and there were only three Florida banks—the Bank of the State of Florida, at Tallahassee, the Bank of Fernandina and a bank in Jacksonville—in the state in 1860, though the banks of other states had branches in Florida and their notes had free circulation in the state.

Governor Broome's administration was not free from the agitation and excitement precedent to the War of Secession; but the governor himself seemed to entertain the interesting notion that the balance of power in the Union might be maintained by a process of annexation of territory further south, "when Cuba and other West Indian Islands, with the states of Mexico and Central and South America, may be added to this confederacy, and these vast and as yet undeveloped countries be socially, commercially and politically identified with the institutions of the South."

Governor Madison S. Perry (1857-1861).

In the following administration, however, war filled the thought of the state. Madison S. Perry, a native of South Carolina, was elected governor by the Democrats in 1856, though his majority over his opponent was less than 400 out of 10,400 votes. He held office from 1857 to 1861 and was largely instrumental in hastening the secession of the state. In 1859 he said, in his message, "there are good grounds for the hope that most of the Southern states will not consent to see the general government pass into hands avowedly hostile to the South"; and in his message to the legislature of 1860 he said, "the crisis, long expected by men of observation and reflection, has at last come. The proper action

is secession from our faithless, perjured confederates."

It is not to be supposed that these sentiments were the unanimous sentiments of the people of Florida at that time. As in many other states of the South, there was a very large element of the population, including many men of great ability and prominence, who either opposed the secession movement outright or held that the time had not yet come for any such action. In Florida the radical candidate for governor, Perry, had been elected in 1856 by an extremely small majority, and in 1860 the Democratic majority was only 1,700 out of 12,000 votes. But the radical element among the people was noisy, active and determined, and active opposition to the attempted dissolution of the Union was gradually reduced to an ineffective protest, and finally silenced in the noise of the war.

The legislature of 1860 assembled on November 26 and on the 28th called for a convention of the people to consider the situation. Delegates were elected the following month, and the convention met at the capital on Jan. 3, 1861. Even now an effort was made to delay rash and radical action. When the resolution was introduced into the convention declaring that it was necessary to secede, an effort was made to modify the resolution by adding the words "at a proper time without harmful delay." Out of sixty-nine votes cast, twenty-four were for this restrictive clause; and so on Jan. 10, 1861, with a minority of seven still protesting, the convention adopted the following ordinance:

"We, the people of the state of Florida in convention assembled, do solemnly ordain, publish, and declare, That the state of Florida hereby withdraws herself from the Confederacy of States existing under the name of the United States of America, and from the existing government of the said states; and that all political connection between her and the government of said states ought to be and the same is hereby

annulled, and said union of states dissolved; and the state of Florida is hereby declared a sovereign and independent nation; and that all ordinances heretofore adopted, in so far as they create or recognize said union, are rescinded; and all laws or parts of laws in force in this state in so far as they recognize or assent to said union, be and the same are hereby repealed."

And Florida withdrew from the Union; and in April ratified the constitution of the Confederate States of America.

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Chapter III.

FLORIDA, 1861-1909.

Secession.

Although the state of Florida was sparsely settled, the population according to the United States census in 1860 being but 140,424, and the highest vote ever cast being only 12,898, yet in proportion to her population she furnished as large a quota to the Confederate army as her sister states. Florida participated in the general political struggle which prevailed throughout the South during the year 1860.

The legislature met in regular session Nov. 26, 1860, a bill was immediately introduced to provide for calling a convention to be held Jan. 3, 1861, which passed both houses unanimously, and an election was ordered for delegates to the convention, which assembled at Tallahassee, the state capital, on the day named. A test resolution in favor of secession was passed by the convention on January 7. A resolution offered on the 9th that the ordinance be submitted to the people for ratification was lost. On January 10 an ordinance of secession was adopted.

The president of the convention was then instructed to inform the proper authorities of other Southern states of the action which Florida had taken, and the following resolution was adopted by the convention:

"Whereas the state of Florida has severed her connection with the late Federal Union, notice of that fact should be communicated to President Buchanan. Resolved that Hons. S. R. Mallery, D. L. Yulee and Geo. S. Hawkins be and are hereby appointed commissioners for the purpose."

It was also resolved,

"That this convention authorize and empower the governor of this state to employ the militia of this state, and such forces as may be tendered to the state from the states of Alabama and Georgia to defend and protect the state; and especially the forts and public defences of the state now in possession of the state; and that the governor be authorized to make all necessary arrangements for the support and maintenance of such troops and carrying on the public defences; that it is the sense of this convention that the governor should not direct any assault to be made on any fort or military post now occupied by Federal troops, unless the persons in occupation of such forts and posts shall commit overt acts of hostility against this state, its citizens or troops in its service, unless directed by the vote of this convention."

The War in Florida.

On January 12, two days after the passage of the ordinance of secession, the Pensacola navy yard and

Fort Barrancas were abandoned by the Federal troops who retired to Fort Pickens after spiking the guns in both places. The movement indicated that the Federal garrisons anticipated a demand for the surrender of the forts within the limits of the state, and were preparing to act on the defensive by concentrating in this strong fortress, which was located on the extreme western part of Santa Rosa Island and commanded the entrance to Pensacola Bay and harbor, where they could sustain a siege and with the aid of the navy could soon control the city of Pensacola and the adjacent towns. The possession of this fort was of vital importance to the seceding states on the Gulf of Mexico, no other place being safe while the Federal troops held Fort Pickens which was an almost impregnable stronghold and could only be taken by an effective force and a bold and skilful movement. The importance of Pensacola to Alabama from a military point of view induced the governor to send thither a regiment of 225 troops under the command of Colonel Lomax; and the governor of Mississippi ordered troops to go to Mobile and there await orders to go to Pensacola. Troops were also sent from Georgia. The object of this concentration of forces was to prevent the establishment of a great Federal depot at this point, from which none of the gulf ports would have been free from danger, especially Mobile and New Orleans. Though these demonstrations were apparently hostile, yet it was the unanimous feeling that no blood should be shed in the existing state of affairs and that a Southern Confederacy must first be organized. Senator S. R. Mallery telegraphed to the commanding officer "that a collision should be avoided; that Fort Pickens was not worth a drop of blood"; hence within about ten days the troops were disbanded by the order of Governor

Perry, it having been decided not to attack Fort Pickens at that time.

The convention of Florida, still in session, sent three delegates to the Southern convention to be held at Montgomery, Ala., in February for the purpose of forming a provisional government. The delegates were instructed "to oppose any attempt on the part of said convention to legislate or transact any business whatever, other than the adoption of a provisional government to be substantially on the basis of the constitution of the late United States, and a permanent constitution for the Southern Confederacy upon the same basis; and that in the event of the said convention undertaking on any pretext whatever to exercise any powers than that above enumerated our delegates are instructed to protest against the same and to declare in behalf of the state of Florida that such acts will not be binding." On Feb. 4, 1861, the delegates from the seceding states prepared a provisional constitution for the new Confederacy which was adopted on February 8. All the principal measures of that body met with the approval and support of the Florida delegates; and on February 9 Mr. Jefferson Davis, of Mississippi, was elected president and Mr. Alexander H. Stevens, of Georgia, vice-president.

War having been begun soon after the inauguration of President Lincoln, the governor of Florida began active preparations for the inevitable conflict. Orders were issued to the volunteer companies to organize into battalions and regiments, and for all citizens subject to military duty to prepare at once for war and be in readiness for the defense of the state and the protection of the extensive line of Florida's seacoast. The response to the call was prompt, resulting in a few months in the formation of regimental organizations composed of the finest

material in the state. Four artillery companies were also formed, known as Abel's, Gamble's, Dunham's and Martin's, which did good service not only in the state but in the army of Tennessee. Senator Yulee wrote from Washington that "the immediately important thing to be done is the occupation of the forts and arsenals in Florida," occupied by United States troops in the following places, viz., the Apalachicola arsenal at Chattahoochee, where there were stored a number of small arms, 5,000 pounds of powder and about 175,000 cartridges; Fort Barrancas, with forty-four cannon and ammunition; Banancas barracks, where there was a field battery; Fort Pickens equipped with 201 cannon with ammunition; Fort McRee, with 125 seacoast and garrison cannon; Fort Taylor at Key West, with sixty cannon; Key West barracks, with four cannon; Fort Marion, with six field batteries and some small arms, and Fort Jefferson on the Tortugas. As the naval station and forts at Pensacola were first in consequence, ten companies were ordered to the military rendezvous at Chattahoochee arsenal and were there organized into a regiment known as the "First Florida Infantry Regiment," which was ordered to report at Pensacola to General Bragg, who on March 8, 1861, had been appointed brigadier-general in the provisional army and assigned to duty in Florida with headquarters at Pensacola.

Lieut. A. J. Slemmer was in command of Fort Pickens, having a force of eighty men. He was summoned to surrender the fort to the governors of Alabama and Florida on January 12, and also on the 15th. A few days later the demand was renewed by Col. W. H. Chase who had constructed the fort when an officer of the United States army; but Slemmer refused to comply with these demands. Mean-

time the Washington government sent reinforcements to forts Taylor and Jefferson and the Confederates under Colonel Chase began to erect a battery.

The sloop of war *Brooklyn* with a company of artillerymen was sent to reinforce Fort Pickens with orders from General Scott to land the company and hold the fort until further orders.

On April 1 Col. Harvey Brown was given command of Florida by the United States government and ordered to make Fort Jefferson the base of operations. His fleet consisted of the ship *Atlantic,* the *Illinois* (carrying stores) and the *Sabine,* the *St. Louis* and the *Crusaders,* also the *Powhattan,* commanded by Lieut. David D. Porter. The obvious purpose of the United States government was to retain the fortifications at Key West, Dry Tortugas and Santa Rosa Island, to which end 3,000 troops were to be concentrated on the Island of Santa Rosa. Meanwhile the Confederate government called out the following troops for the defense of Pensacola harbor, viz., from Georgia 1,000, from Alabama 1,000, from Louisiana 1,000, from Mississippi 1,500, from Florida 500; total, 5,000. As far as practicable Florida made preparations to defend itself against invasion, but it was impossible to fortify the entire coast. Key West and Tortugas were held by the Federals and these posts were the keys to the gulf. At St. Augustine, Fort Clinch at the mouth of the St. Johns River, Fernandina, Cedar Keys, St. Marks, Apalachicola and at Tallahassee were a few guns only. In May Florida had an estimated force of 700 men at Pensacola and nearly 2,000 more were organized and equipped ready to march where ordered.

On May 10 the United States schooner *William Atwater* with thirty-one men was captured off Cedar

Keys by the Confederate steamer *Spray*. She was taken to Apalachicola and converted into a blockade runner, but in January, 1862, the *Atwater* was recaptured by the Federal steamer *Itasca*. In July Tampa Bay was blockaded, and in August St. Marks was also blockaded by the steamer *Mohawk*, and the channel obstructed by the sinking of a captured sloop. The Federal steamer *Massachusetts* captured four schooners and sent them as prizes to Key West, but they were recaptured by the Florida troops when off Cedar Keys; subsequently all the important ports were blockaded by the United States navy. The military command of middle and east Florida was assigned first to Brigadier-General Grayson, and afterward to Gen. James H. Trapier, and in November it was included in a new department of South Carolina, Georgia and Florida, under command of Gen. Robert E. Lee. Early in October Maj. W. L. L. Bowen captured two sloops with thirteen men at Tampa Bay.

In Pensacola harbor on Sept. 14, 1861, the Confederate schooner *Judah*, carrying five guns, while lying at the navy yard, was captured and burned by the United States forces; they lost three killed and thirteen wounded. This was the first encounter in the state in which lives were lost. General Bragg sent an expedition of 1,000 troops under command of Brig.-Gen. R. H. Anderson, against the outposts on Santa Rosa Island. Wilson's zouaves were in charge of the outposts; they were driven in and the camp, containing large stores of provisions, clothing, equipage, arms and ammunition, was burned. The Confederate loss was: killed eighteen, wounded thirty-seven, taken prisoners thirty. It was estimated that the Federal troops lost 150 killed and wounded and twenty prisoners.

On November 24 there was an artillery battle

between Fort Pickens and the two battleships *Niagara* and *Richmond* on the Union side, and Fort McRee and other Confederate batteries. It lasted two days, but the loss of life was small and the results indecisive. No important engagement occurred this year. In February, 1862, as more troops were needed in Tennessee and Kentucky, the Confederate War Department decided to abandon all Florida ports, and General Bragg ordered Gen. Samuel Jones, who was in charge at Pensacola, to abandon the works and move the heavy guns with ammunition to Mobile, to which port General Bragg had been transferred, and other supplies to Montgomery, Ala. His orders were as follows: "I desire you particularly to leave nothing the enemy can use; burn all from Fort McRee to the junction with the Mobile road. Save the guns and if necessary destroy our gunboats and other boats. They might be used against us. Destroy all machinery, etc., public and private, which could be useful to the enemy; especially disable the saw mills in and around the bay, and burn the lumber. Break up the railroad from Pensacola to the junction, carrying the iron up to a safe point." General Bragg was succeeded by General Jones, who detailed Col. T. M. Jones to execute General Bragg's orders. On May 7, hearing of Federal demonstrations at Mobile harbor, he proceeded to evacuate at once. All sick and baggage were sent out on the 8th and on the night of the 9th the infantry marched out, leaving several companies of cavalry to accomplish the work of destruction. Public buildings, camp tents, and whatever was combustible, from the navy yard to Fort McRee, were quickly in flames; and, notwithstanding that the Federal fleet opened a heavy fire, the work of destruction was thoroughly completed. At Pensacola, an oil factory, the quartermaster's store-

houses, three small steamers and some small boats were burned. On May 12 the Federal forces took possession of the ruins, and also occupied Pensacola. Fernandina was evacuated in March, 1862; St. Augustine surrendered to Commander Rodgers of the flagship *Wabash* on March 11, and Jacksonville on March 12. The destruction of two unfinished gunboats lying at the wharf at Pensacola, by Lieutenant-Colonel Beard, who acted under the orders of Maj.-Gen. Sam Jones, elicited the censure of G. W. Randolph, the secretary of war, who pronounced it an unnecessary act and a serious loss to the Confederacy.

Previous to the occupation of Jacksonville, a battalion of Confederate troops, numbering 400, and under the command of Col. C. F. Hopkins, had come in and, acting under orders, burned the extensive sawmills and the foundry, also the Judson House, a fine hotel. On March 19 Gen. F. W. Sherman arrived at Jacksonville and called a meeting of loyal citizens, and steps were taken to secure the coöperation of other counties in restoring Florida to the Union, but without much result. On April 8 the Federal troops evacuated Jacksonville, and many buildings were burned, presumably by the soldiers or camp followers. After the evacuation of Pensacola, General Hunter ordered Colonel Bell, commanding at St. Augustine, "to at once drive out of your lines all persons, without reference to sex, who have not taken and still refuse to take the oath of allegiance." A similar order was made by Brigadier-General Saxton, directing the provost-marshal to expel all such people who should refuse to take the oath of allegiance. A large number of women and children were put on board the steamer *Burnside*, but off the bar of the St. Johns River, they were met by Gen. A. H. Terry, who, under the direction of

General Brannon, countermanded General Saxton's order, and compelled the *Burnside* to return to St. Augustine with the expelled people.

On May 20 a boat from a blockading vessel in the Apalachicola River was attacked by Capt. H. T. Blecker, and seventeen of the twenty-one on board were killed or wounded. On June 30 the Confederate battery at Tampa Bay, held by Captain Pearson, was attacked by a Federal gunboat, which after several hours' cannonading withdrew with but little damage on either side. A heavy battery at St. Johns Bluff on the St. Johns River, under the command of Col. C. F. Hopkins, was attacked by a heavy force of United States gunboats and troops. The position was flanked by the latter, rendering it untenable, and consequently it was abandoned by the Confederates.

In January, 1863, Colonel Higginson, with a regiment of South Carolina troops, made an expedition from Fernandina up the St. Marys River without accomplishing anything of note, and on March 10 he and Colonel Montgomery, commanding a force of colored troops, took possession of Jacksonville. General Saxton had become impressed with the idea that a great deal could be done by securing the negroes in Florida and enlisting them in the United States service. He obtained Mr. Lincoln's indorsement of his plan, and was authorized to enlist 5,000 negroes for military service and 5,000 as laborers. He proposed to make Jacksonville an asylum for negroes. General Saxton reported that negroes were collecting from all quarters, but he was apprehensive of being attacked by the Confederates, who, under General Finnegan, were closely surrounding the town. Being reinforced he moved out against the Confederates, but after a sharp skirmish, retired. Colonel Montgomery went up the river to Palatka raiding plantations and carrying off negroes, but in attempt-

ing to land at Palatka his troops were fired upon by Confederate troops under Capt. J. J. Dickinson, who afterward became celebrated as "The Marion of Florida," and he immediately returned to Jacksonville. On March 27, 1863, after seventeen days' occupation, General Hunter ordered the evacuation of Jacksonville, thus breaking up the plans of General Saxton for recovering Florida to the Union.

The government at Washington had been led to believe that there was a strong Union sentiment in Florida which would declare itself if a sufficient force was sent into the state; hence President Lincoln sent Major Hay to further this end, with blanks and papers to be used in the process of restoring the state to the Union. General Gilmore, in command of the department in the South, entertained similar views, and his plan was to occupy Florida in force, to cut off the Confederate sources of commissary supplies of beef and salt, and to procure an outlet for cotton, lumber, turpentine, etc; also to obtain recruits for colored regiments and to inaugurate movements for the restoration of Florida to the Union. As most of Florida's troops were in Virginia or the west, leaving only a few hundred in movable detachments to guard the interior of the state, it was supposed that the Federal forces would meet with but little opposition in an advance to the capital of Florida, Tallahassee, and that they would expel the Confederate authorities and organize a quasi-state government which should recognize the supremacy of the United States.

Accordingly, on February 5 Gilmore ordered Gen. Truman Seymour to proceed with a division of troops from Hilton Head to Jacksonville. Admiral Dahlgren sailed with a squadron of five gunboats to escort the transports, and the expedition, comprising about 7,000 men, including cavalry, infantry

and artillery, was landed at Jacksonville on Feb. 2, 1864. On receipt of this intelligence General Finnegan, then in command of the Confederate forces, notified Lieutenant-General McCormick who had a force of about 350 men at Camp Finnegan, to guard against a surprise. On the night of the 8th an advance was made by a troop of cavalry under Col. Guy Henry, which passed Camp Finnegan and captured a battery and several wagons and mules. Proceeding to St. Marys, near the Georgia line they encountered two companies of cavalry under Maj. Robert Harrison, by whom their progress was checked, and they returned to Sanderson, from which place they made a raid to Gainesville, capturing sugar, cotton, etc., on the way. While at Gainesville they made a temporary breastwork of cotton bales and repulsed an attack by two companies of Confederate cavalry. The captured stores were burned, and the Union troops left and rejoined General Seymour, who, having encountered but little opposition and being greatly elated by the success of these two raids, decided to make a forward movement.

On February 13 General Finnegan had concentrated near Lake City a force of 4,600 infantry, 600 cavalry and three field batteries of twelve guns. He had encamped his little army at Olustee on a line between Ocean Pond and a cypress pond. The Union force, as officially stated, was 5,500 men. Upon receiving information of the advance of General Seymour, General Finnegan sent out a force of cavalry and part of the Georgia troops to skirmish with the enemy, who were then about three miles east of Olustee. The skirmish developed into a battle in which all the forces were speedily engaged. The ground was stubbornly contested by the Confederates, notwithstanding that two Georgia regiments had exhausted their supply of ammunition

and were compelled to hold their ground for fifteen or twenty minutes without a round of ammunition, but with which they were finally supplied from a train of cars half a mile distant. A New Hampshire regiment armed with Spencer rifles found the Confederate fire too heavy and broke in confusion; a colored regiment having its colonel and major killed, also broke and retreated; but on the whole General Seymour's forces fought bravely, having marched fourteen miles and fought for three hours before retreating. Their batteries were well served, but they left five guns and 1,600 stands of arms on the field. The losses as officially reported were 1,861 killed, wounded and missing on the Federal side, and 940 on the Confederate side. Under date of February 22, General Beauregard sent the following congratulatory message to General Finnegan: "I congratulate you and your brave officers and their commands on your brilliant victory over the enemy on the 20th inst. Your country will be cheered by this timely success, and I trust it is but the earnest of heavier and crushing blows which shall destroy our enemy on the soil of Florida."

The defeat at Olustee put an end to President Lincoln's expectation of restoring Florida to the Union, and to General Gilmore's and General Seymour's plans of separating her from the rest of the Confederacy. On May 9, 1862, Maj.-Gen. David Hunter, U. S. A., had ordered the emancipation of all the slaves in Florida, Georgia and South Carolina, but on May 19 President Lincoln issued a proclamation stating that General Hunter nor any other commander or person had been authorized by the government of the United States to make proclamation declaring the slaves of any state free, and that the supposed proclamation was altogether void.

On March 10, 1864, the Federal troops occupied

Palatka, located on the St. Johns River about sixty-five miles from Jacksonville, but it was evacuated by them on April 12. While there, frequent skirmishes occurred with Capt. J. J. Dickinson's Second Florida cavalry. Torpedoes had been placed in the river between Jacksonville and Palatka by the Confederates, and on April 1 the United States transport *Maple Leaf* was blown up and sunk off Maudarin Point, and what was left above water was burned. Captain Dickinson, having occupied Palatka after its abondonment by the Federals, made arrangements to engage any gunboats or transports coming up the river. On May 22, 1864, two gunboats and four transports were seen coming up near Palatka. One of these—the gunboat *Ottawa,* the largest boat on the river, carrying twelve guns—was accompanied by a transport which had landed troops on the other side of the river; they continued on their way and anchored about three miles above Palatka at Brown's Landing. The Confederates opened fire on them with two guns which they had hurriedly hauled from Palatka, and the transport was so badly crippled that she hoisted anchor and left without firing a gun. The *Ottawa,* however, responded with so heavy a broadside that Captain Dickinson ordered his two guns withdrawn, but she was badly injured and could not move for thirty hours. Several of her crew were killed and wounded. The Confederates lost not a man.

The gunboat *Columbine* having passed up the river the previous night, Captain Dickinson determined to await her return, and proceeded to a landing known as *Horse Landing,* six miles distant from engagement of the previous evening. The *Columbine* appeared about three o'clock and approached within sixty yards of the landing before a gun was fired. Two rounds were then fired which disabled the

vessel, and she floated down and river and struck a sand bar. A hot fight ensued. The boat carried two fine thirty-two rifle guns and 148 men with small arms. The fight lasted forty-five minutes when she surrendered. Only sixty-six of the 148 men were found alive, and one-third of these were badly wounded, several of whom died that night. The Confederates did not lose a man. Captain Dickinson ordered the boat burned as it was impossible to save her from the enemy, several gunboats being in the river below. On the *Columbine* were found orders explaining the object of landing the two regiments of Federal troops on the east side of the river. The gunboats were ordered to guard well each landing, and use all means to prevent Dickinson from recrossing the river. The two regiments were to scour the country on the east side of the river for Dickinson's command. As he had only a few days previous crossed to the east side and captured two posts, returning all safe, it would seem from this plan that the great trouble of the enemy was to locate Dickinson at any time only when engaged in fighting.

On April 16 the United States transport *Hunter* was blown up and sunk by a torpedo near the place where the *Maple Leaf* had been previously destroyed. Tampa was occupied by a detachment of Union troops on May 6 and the Confederate guns and battery disabled. The United States transport *Harriet A. Weed* was blown up and sunk by a torpedo near Cedar Creek and the crew drowned. On May 9 Captain Dickinson captured fifty-six men and two officers at Welaka and Saunders on the St. Johns. On July 21 General Ashboth moved out of Pensacola to attack Fort Hodgson, fifteen miles from Pensacola, which after half an hour's engagement was evacuated by the Confederates. Captain Childs, with a Union force from Fort Myers, landed at Bay-

port and captured some cotton and negroes; Major Weeks, with a United States force from Cedar Key, landed at St. Andrews Bay and captured cotton and burned bridges. On August 15 a raiding party, commanded by Colonel Harris of the Seventy-fifth Ohio, with 138 men of that regiment, ninety men of the Fourth Massachusetts cavalry, and one piece of artillery and ten men, left Baldwin, advanced in the direction of Lake City up to Fort Butler in Bradford county, and then flanked around to Starke, a small town fourteen miles north of Waldo, at which place Captain Dickinson was with his command. Flanking Waldo and cutting the telegraph wires, and tearing up the railroad track to prevent communication with the Confederate forces at Lake City, they proceeded to Gainesville, where immediately after their arrival they were attacked by a force of cavalry under Captain Dickinson and completely routed. Colonel Harris escaped to Magnolia with less than forty men. On his march Harris had gathered 200 negroes, forty mules, wagons and other plunder, but all of these were recaptured by Captain Dickinson, whose whole force was only 175 and whose loss was but two killed and four wounded.

In September General Ashboth made a raid from Pensacola on Marianna, capturing many citizens and much private property, and carrying off 600 negroes. About 100 prisoners were taken and sent north, principally to Elmira, N. Y. The objective point of General Ashboth's expedition was to capture Tallahassee, the capital of the state, but as he was seriously wounded in the encounter, the plan failed.

On October 24 Captain Dickinson attacked a force of Federal cavalry near Middleburg on Black Creek, completely routing them, killing and capturing almost the entire command, of which three only escaped, and without any loss to the Confederates.

A few days afterward Dickinson's cavalry encountered another Federal force near St. Augustine and defeated it. On the same date two Federal steam transports, with a force of 700 men and two howitzers left Barrancas to proceed up the Blackwater Bay, whence the troops were to march to Pierce's mills to secure a supply of lumber and thence advance toward Milton, about twelve miles distant. Near Milton they encounered a detachment of about eighty Confederate cavalry and a brisk fight ensued, forcing the latter to retire. On Feb. 2, 1865, Captain Dickinson attacked the Seventeenth Connecticut regiment, commanded by Colonel Wilcoxson, near Picolata and captured the entire command of seventy-five men, together with all their fine cavalry horses, and also ten wagons loaded with sea-island cotton, each with six mules and horses. On February 13 two Federal regiments were landed at Cedar Keys under cover of their gunboats, and advanced up the Florida railroad toward Lake City. At Levyville, Captain Dickinson encountered them with a force of about 150 men. The Union forces fell back to Station Number Four and occupied a strong position behind a high embankment of the railroad, where Dickinson attacked them. After four hours' desperate fighting the Confederates had exhausted their ammunition, and the Union troops retreated, having lost seventy killed and wounded; Dickinson's loss was six.

After the defeat of the Federal troops at Cedar Keys on Feb. 13, 1865, it was determined to make another effort to capture Tallahassee, and for this purpose Gen. John Newton planned to concentrate forces from Cedar Keys, Santa Rosa and Key West; land in the neighborhod of St. Marks, and in conjunction with a naval force, ascend the river. The cavalry, infantry and artillery landed at Lighthouse

Point, marched to Newport, and finding that the bridge had been burned, went eight miles further up to the Natural Bridge, where they were surprised to find some Confederate troops prepared to meet them. As they were under the impression that the Confederate forces were so scattered over the state, that they would encounter little or no opposition, the Union troops were forced to fall back to their gunboats after sustaining a heavy loss. No other important engagement occurred in Florida, as upon April 9, 1865, General Lee surrendered to General Grant at Appomattox Court House, and the Confederate forces in Florida made a formal surrender to General McCook on May 30, 1865.

Reconstruction in Florida.

Gov. John Milton died April 1 and Lieut.-Gov. A. K. Allison assumed the duties of governor, but he, together with Senator Yulee, was soon consigned as a prisoner of state to Fort Pulaski, Ga. Senator Stephen R. Mallory, Confederate secretary of war, was imprisoned in Fort Lafayette, N. Y. The dark days of reconstruction were now entered upon, and on July 13, 1865, Judge William Marvin was appointed by President Johnson provisional governor of Florida, with authority to call a constitutional convention. On August 3 he issued a call for an election to be held October 25. An amnesty oath was required as a qualification to vote at such election, and no person was to be allowed to vote who was not a qualified voter before Jan. 10, 1861, thus preventing any negro from voting; 7,042 persons subscribed to the oath, fifty-six delegates were chosen, and the convention met at Tallahassee, Oct. 25, 1865. The ordinance of secession was repealed and a new constitution adopted, which provided for an election to be held on Nov. 20, 1865, for governor,

cabinet officers, judges, legislature, county officers and members of Congress. The whole vote cast at this election was less than 4,000. David S. Walker was elected governor, only eight votes being cast against him. He had been one of the judges of the Supreme Court and one of the most popular leaders of the old line Whig party; W. W. J. Kelly was elected lieutenant-governor. The legislature met Dec. 20, 1865. Wilkinson Call and William Marvin were chosen United States senators, but were not, however, admitted to their seats in Congress. The Thirteenth amendment to the constitution was ratified on Dec. 28, only two votes being cast in opposition.

In February, 1866, Congress enlarged the functions of the Freedman's Bureau. This was an institution devised by Congress under the influence of the very best people of the North as a means of protection of the freedmen and to prepare them for the new responsibilities and privileges conferred. Instead of a blessing it proved a curse to the race, administered as it was by dishonest men. The national government sent provisions to the state to be distributed to such of the freedmen as were struggling without means of subsistence to make a crop, but instead of honestly distributing the meat and flour, those in charge of the bureau appropriated much of it for their own benefit. General Steadman was appointed to examine and report upon the condition of the Bureau's affairs; learning which, the commissioner of the Bureau for the state, who, in company with a retired army officer, carried on a large plantation on the Apalachicola, suddenly transferred his interest to his partner, who gathered and disposed of the cotton crop and all available stock, and disappeared. The Freedman's Savings Bank in Jacksonville, in which had been deposited considerable sums of money by colored and white people,

under the impression that it was backed by the United States government, but which was an institution organized with no capital by a political ring, failed and the deluded depositors recovered only 62 per cent. of their money.

The legislature met again in December, 1866. Meantime Congress had passed the Fourteenth amendment to the constitution of the United States, and it was proposed to the legislatures for ratification. It virtually disfranchised the most intelligent classes of the South. Those who had held office of any kind, national or state, under the Confederate government were disqualified from voting or holding any office in the state. Governor Walker advised its rejection and the legislature refused its ratification. In March, 1867, Congress passed the reconstruction law, over the President's veto, which divided the Southern states into five military districts, over which the President was authorized to place an army officer with supreme control. Florida was made part of the Third Military District, under the command of Gen. John T. Pope, who was succeeded by Gen. G. C. Meade, with Gen. John T. Sprague commanding in Florida. The law provided that registration should be made in every county in each state, and each applicant was required to make oath that he had not given aid or comfort to the enemies of the United States. After the registration was completed, an election was to be held for a constitutional convention to form a constitution and frame a civil government acceptable to the people of Florida and the Congress of the United States. The registration lists showed 11,148 white and 15,434 colored voters, but only 14,503 votes were cast, nearly all for a convention. Forty-five delegates were elected. On Jan. 20, 1868, the day appointed for the meeting of the convention at Tallahassee,

twenty of the delegates met and elected a president and secretary, the former being D. Richards, of Sterling, Ill., who was returned from Gadsden county (where he had spent but two days of his life), and W. H. Christy, of Jacksonville. There existed two factions in the state, viz., the Loyal League, headed by Richards, and the Lincoln Brotherhood, by F. W. Osborn, both of which had been organized among the Freedmen. The Osborn faction withdrew and went to Monticello, leaving the body without a quorum. The remaining members continued in session, framed and adopted a constitution, and sent it to General Meade for approval. At midnight the seceders came from Monticello and took possession of the hall of the House of Representatives and organized as a convention. Several members of the opposing faction were ousted and others seated. An appeal was made to General Meade, who came to Florida and directed both factions to come together and take their seats in the convention, and that both presiding officers resign, and General Sprague take the chair and reorganize the convention. This was done; Horatio Jenkins, Jr., was elected president and Sherman Conant, secretary. The convention then adopted that known as the Constitution of 1868. Under this constitution suffrage was to be universal. Judges and all state officers were to be appointed by the governor with the advice and consent of the senate; upon a popular vote the constitution was ratified by a majority of 5,000. Harrison Reed, who came to Florida after the war, holding a government office, was nominated for governor by the Republicans, and George W. Scott by the Democrats. Reed was elected, and a legislature consisting of twenty-four senators and fifty-three representatives was elected, the majority being Republicans, including quite a number of negroes.

Ignoring the action of the preceding legislature, the newly elected legislature ratified both the Thirteenth and Fourteenth amendments to the constitution of the United States, and the election of senators previously made was disregarded. Florida was readmitted to representation in Congress under the act of June 25, 1868, and on July 4, the newly elected state officers were installed. On June 15, 1868, the legislature ratified the Fifteenth amendment to the constitution of the United States, and elected F. W. Osborn, chief of the Freedman's Bureau, and Abijah Gilbert of St. Augustine, who was very wealthy and had agreed to cash $50,000 or $100,000 of state bonds when issued at eighty-five cents on the dollar. Subsequently on January 19 a resolution was introduced into the legislature reciting the fact that large sums of money had been used at the last session of the legislature to secure the election of said Gilbert, and that, therefore, the said election was unlawful and void. There was no intention of the Osborn ring, who controlled the legislature, to elect another senator, but only to make Gilbert pay more for his seat, for which they openly said he had not paid enough. The old gentleman submitted and retained his seat, but said "Surely I have fallen into a den of thieves." Charles M. Hamilton, an agent of the Freedman's Bureau, was elected to the House of Representatives. For the first time in the history of the state, presidential electors were chosen by the legislature, not by the people, who cast the vote of Florida for Gen. U. S. Grant. As Governor Reed had resisted the efforts of the Osborn ring to loot the treasury, the latter endeavored to impeach him for malfeasance in office at three different times, but failed to do so.

In view of the conduct of the legislature, and the marked distrust between the blacks and whites, the governor deemed it advisable to secure an arma-

ment for the state in case military force should become necessary. He sought the aid of the national government but it was refused. He applied to Governor Fenton of New York and Governor Andrews of Massachusetts for a loan of arms but was unsuccessful. He then purchased in New York 2,000 stands of muskets and 4,000 rounds of ammunition for $21,000, giving four months' notes for the same. The arms were shipped and delivered in Jacksonville, where they were received by the adjutant-general, Carse, and General Houston and placed in cars to be delivered in Tallahassee. Unknown to General Houston, the president of the railroad company, men were secreted in the cars who were to throw them out when they reached Madison county where a company of Dickinson's guerillas were placed to seize and destroy them. All but 800 of the guns were thrown out and carried away by the enemies of the governor, and Governor Reed was left to foot the bill; but no occasion arose for calling out the troops, although in 1868 and 1869 there were great lawlessness and a number of murders in Jackson county, where the blacks and whites became arrayed against each other in deadly hostility. On Jan. 4, 1870, the legislature met in the third regular session under the constitution of 1868. Josiah T. Walls, an intelligent colored citizen of Alachua county, was nominated as the Republican candidate for Congress. The Democrats nominated S. L. Niblock of Columbia county, and the Hon. William D. Bloxham of Leon county for lieutenant-governor. The state canvassers threw out several counties and gave Walls the certificate of election, but he was unseated by Congress, and Niblock declared entitled to the seat. Bloxham, who had been counted out, was by a decision of the supreme court of the state given that office. He had been a slaveholder, but after

the emancipation established a colored school on his plantation, building a schoolhouse at his own expense and contributing the major portion of the money for a teacher.

Much of the time of the legislature of 1872 was consumed in attempts to impeach Governor Reed, and they were so far successful that he was placed under arrest and disqualified from performing any of the duties of his office as governor of Florida until acquitted by the Senate of Florida. Lieutenant-Governor Day proceeded to assume the office of governor. Governor Reed carried the matter before the supreme court of Florida and obtained a decision in his favor. The Republicans met in convention in July, 1872, and nominated Ossian B. Hart for governor. The Democrats also held a convention and nominated W. D. Bloxham. Hart was elected but died in 1874 and was succeeded by Lieut.-Gov. M. L. Stearns; and Josiah T. Walls (colored) and W. J. Parman were elected Representatives in Congress. Under the constitution of 1868, the Seminole Indians, residing mostly in the counties of Dade and Monroe, in the extreme southern part of the state, were entitled to one representative in each branch of the legislature; accordingly a man named J. King, claiming to be a Seminole, came to Tallahassee and asked to be received as a representative of the Seminoles. As he proved to be a bogus Indian his application was rejected. In this legislature about one-half were negroes. In the succeeding legislature of 1875 parties were nearly equally divided, and Charles W. Jones, a Democratic member of the legislature from Escambia county, was elected senator.

The Republican party had now been in power in the state since 1868, mainly by the aid of the colored vote. The fall election of 1876 was of vast importance, not only to the state of Florida, but also to the

United States. The canvassing board was in session several days and by the rejection of certain counties and precincts the Democratic candidate for governor, George F. Drew, was declared elected and the majority of ninety-seven for the Tilden electors was changed into a majority of 928 for Mr. Hayes. The contest was transferred to Washington where the electoral commissioners by a vote of eight to seven awarded the electoral vote of Florida to Rutherford B. Hayes.

Democratic Party in Power, 1876-1909.

Governor Drew's administration was a very successful one. Confidence was restored. State bonds rose from 65 per cent. to par and taxes were reduced. The census of 1880 showed that the population of Florida was 269,493, of whom 142,605 were white and 126,696 colored and 180 Indian. The assessed valuation of taxable property was $31,000,000.

In 1880 William D. Bloxham was elected governor. During his administration 4,000,000 acres of swamp and overflowed land were sold to Hamilton Disston of Philadelphia for $1,000,000. Mr. Disston undertook to plant cane and manufacture sugar on a large scale, but want of familiarity with the conditions necessary to success involved an enormous loss and the scheme was ultimately abandoned. At the session of the legislature in 1881 numerous charters were granted to railroads, and up to 1884 1,045 miles of railroad had been constructed. Population increased rapidly and a special impetus was given to the planting out of orange groves. In 1885 the orange crop reached 900,000 boxes and notwithstanding a severe frost on Jan. 12, 1886, which destroyed all the fruit on the trees, the growers were not discouraged, and crops grew larger every year until Dec. 29, 1894, when

another and more disastrous frost occurred, destroying all the ungathered fruit, estimated at over 2,000,000 boxes and worth as many dollars. Again on Feb. 7, 1895, the temperature fell to fifteen degrees above zero. In one night men who at sundown were owners of large fortunes were made penniless. A frost such as was never known in the history of the state reached all the way down to the end of the peninsula. The freezing of the oranges only would have meant but the loss of one crop, and the growers would have lost only one year's income, but it did not stop there, the trees themselves were frozen. At that time the orange crop of Florida was about 5,000,000 boxes a year. It was reduced to nothing in a single night. While the orange culture had received a severe blow it was not abandoned and at the present time it has reached a production of about 3,000,000 boxes. The result has been advantageous to the state, as it has led to the cultivation of a diversity of fruits and crops which are yielding a greater income than did the orange crop.

The election of 1884 resulted in the choice of Gen. Edward A. Perry for governor. He was a native of Massachusetts but had been a resident of Florida before the War of Secession. He entered the Confederate service and became a brigadier-general. In 1885 a constitutional convention was called and met at Tallahassee June 9 and framed a constitution which was ratified by a vote of the people, and went into operation Jan. 1, 1887. In the latter part of July, 1888, yellow fever broke out in Jacksonville. The epidemic lasted till December. The whole number of cases was about 5,000, the deaths 500. Measures were promptly adopted to prevent any future recurrence of an epidemic, and no case has occurred since.

At the election of 1888 Francis P. Fleming was elected governor. The entire vote of the state was 66,641, of which the Cleveland electors received 39,561. By the census of 1890 the population of Florida was shown to be 391,422, of whom 224,949 were white and 166,495 colored.

About this period Mr. Henry M. Flagler, vice-president of the Standard Oil Company, and Mr. Henry B. Plant, a railroad magnate of New York, each erected magnificent hotels at St. Augustine and Tampa, which, with increased railroad facilities leading to Florida, very largely increased the tourist travel. In 1892 Henry L. Mitchell was elected governor and the Cleveland electors received 30,143 votes. No Republican presidential ticket was put in the field, but the populist, Weaver, received 4,843 votes.

In 1881 Mr. J. F. LeBaron, a civil engineer, found phosphate pebbles in Pease Creek. It attracted no attention at the time, but in 1889 phosphate of a high grade was discovered at Dunnellon in Marion county, which created considerable excitement, and the whole country was explored for other deposits. Companies were formed, lands purchased and plants constructed to prepare the phosphate for manufacturers of fertilizers. The territory in which phosphate was found extended about 200 miles along the western border of the state, and in a number of river beds. The export for 1894-95 was about 500,000 tons, valued at $5,000,000. C. F. Van Horn, of the United States Geological Survey, reported in 1907 the actual quantity of phosphate rock mined in Florida was 1,386,578 long tons, valued at $4.85 per ton, and that nearly 60 per cent. of the entire production of the United States came from Florida.

In November, 1896, William D. Bloxham was elected governor and the vote of the state was given

to the national ticket headed by William J. Bryan. During Bloxham's administration the Cuban war occurred. Large numbers of Cubans had settled in Tampa, Key West and other parts of Florida. General Weyler's inhuman policy, and the destruction of the *Maine* aroused the sympathy of the Floridians and Florida became the gathering point for the troops called out by the President, and Jacksonville and Tampa were occupied by large bodies of soldiers, under the command of Maj.-Gen. Fitzhugh Lee. Secret expeditions were formed by Cuban sympathizers from time to time in Florida ports. Small and swift steamers carried arms and munitions of war to the insurgents. Chief among these was the steamer known as the *Three Friends,* of which the present governor of Florida was one of the owners.

In 1900 William S. Jennings was elected governor. His cousin, William Jennings Bryan, was the Democratic nominee for President, and received the electoral vote of the state. During Governor Jennings' administration occurred the disastrous fire in Jacksonville. At noon on Friday, May 3, the fire broke out in Cleveland's fibre factory in the northwestern section of the city. A brisk northwest wind quickly spread the flames to adjacent dwellings, and before the fire department could reach the scene the fire was beyond control and swept rapidly in a southeasterly direction. The wind became a furious gale, and, the houses being chiefly frame, burned like cigar boxes, and as there had been a long dry spell the flying cinders were carried from roof to roof until the city became a roaring furnace of flame, in which even those buildings constructed of brick melted like wax. At 8:30 P. M., 150 blocks covering an area of 455 acres of the best and most populous portion of the city were in ashes—embrac-

ing the city hall and market, the Duval court house, the city clerk's office with all the public records, the armory, the board of trade and city library, the fire department and three engine houses, the police headquarters, the city jail, the Seminole and Elks' club buildings, seventeen churches and the high school. The total number of buildings consumed was 2,368; the value of property destroyed was $15,000,000, insured for only $6,000,000; and 10,000 persons were rendered homeless, but fortunately only six lives were lost. There has probably never been in this country or anywhere else such a remarkable rebuilding of a burnt city as has been shown in the instance of Jacksonville. The ashes had hardly grown cold before the work of rebuilding began. Business was resumed by the larger business houses in improvised sheds. New stocks of goods ordered, banks opened up in temporary quarters, Sunday services resumed in makeshift places and everything done to restore order and confidence. The number of buildings since erected is 7,850 at the rate of 1,000 a year. Ten per cent. of the number are brick and two per cent. of reinforced concrete and stone.

In the fall of 1905 Napoleon B. Broward, a native Floridian of humble parentage, was elected governor of the state. He began his career as cook on a steamboat and by indomitable energy worked his way upward until he obtained the highest office in the state. He built the famous steamer *Three Friends* and personally contributed toward furnishing munitions of war to the Cuban insurgents during their struggle against Spanish tyranny. During his incumbency Governor Broward strongly advocated the drainage of the Everglades, an immense tract of marsh filled with islands, in Dade county, the southernmost county in the state. As this scheme involved the taxation

1. THE PLAZA, ST AUGUSTINE, FLORIDA. 2. JUPITER LIGHT, FLORIDA.

of land supposed to be benefited it met with strong opposition from the owners and led to applications for injunctions to prevent the collection of taxes, notwithstanding which the governor induced the trustees of the internal improvement fund to begin operations and an experimental canal is being constructed at New River near Fort Lauderdale.

Economic and Educational Conditions.

One of the remarkable engineering feats undertaken in this country is that of the construction of the Florida East Coast Railroad from Jacksonville to Key West. To Miami, 366 miles south of Jacksonville, no serious obstacles were encountered, but between Miami and Key West fully seventy-five miles lie over water and a considerable portion over the sea itself. The Florida Keys may be called a series of stepping stones leading into the ocean. They extend between the Florida peninsula and Key West in the form of a curve, the channels separating the islands varying from a few hundred feet to several miles in width. Nearly thirty islands are to be used for short stretches of the construction, the longest being sixteen miles on Key Largo. More than fifty miles of rock and earth embankment has been built where the intervening water is shallow; but where the water is deeper and the openings are exposed to storms by breaks in the outer reef concrete arch viaduct construction is used, consisting of fifty-foot reinforced concrete circular arch spans and piers, with occasional spans of sixty feet. The water is ten to thirty feet deep in most places and the bottom is of limestone. There are four of these arch viaducts, aggregating 5.78 miles in length. The work of construction has already been completed to Knights Key. The intentions of the company are to engage in export trade on a very large scale. Key

West will be the nearest American seaport to the Atlantic end of the Panama Canal. The distance between Key West and Havana is but ninety miles. The transportation of passengers and freight will be conducted by means of huge railroad steamboats, transporting cars directly to Havana. The man whose enterprise and capital is accomplishing this great work is Henry M. Flagler, vice-president of the Standard Oil Company. Cars are now running regularly between Jacksonville and Knights Key, distant only forty-four miles from Key West. The cost of this great enterprise has averaged $200,000 per mile. Mr. Flagler has also built a number of magnificent hotels at St. Augustine, Atlantic Beach, Ormond, Palm Beach, Miami and two at Nassau, N. P. (Bahama Islands).

Another gigantic engineering and industrial undertaking which will result in the material development of Florida is the construction of the East Coast Canal. This enterprise is the connection of the St. Johns, Matanzas, Halifax, Indian, Hillsborough and other rivers, sounds, creeks and water courses along the east coast by means of tide-water canals so as to make a continuous land-locked waterway, without locks and practically at tide-water level from the St. Johns River to Key West, covering a distance of something over 500 miles. Work has been going on steadily for twenty-five years and has already involved an expenditure of over $2,000,000. The work to date has been completed all the way up the coast to St. Augustine, and the balance of the stretch from St. Augustine to Jacksonville is already under way. The canal company will operate a line of passenger and freight steamers of about 150 feet in length, and of suitable draft, which will make the run along the entire route. With both adequate fast freight furnished by the Florida East Coast Rail-

WHARF AT KEY WEST, FLORIDA

way for vegetables and perishables on one side, and water transportation for heavy or slow freight on the other, the people located along the east coast will have shipping facilities not equaled in any other section.

Florida has vast forests of pitch pine, cypress and over 200 kinds of other trees valuable for manufacturing into a great variety of useful articles, but the conversion of the pine and cypress trees into lumber and of cross-ties for railroads has been the leading business for a number of years. In connection with forest products the naval store business is closely associated. The lumber business was at first confined to the vicinity of navigable rivers or seaports, but with the extension of railroads into the interior of the state and the improvement of the rivers and harbors by the United States government, the output has been immensely increased. The principal ports of export are Tampa, Fernandina and Jacksonville. The latter port was for many years handicapped by a long and shallow river with a bar at its mouth. In 1878 James B. Eads was induced to come from New Orleans, where he was constructing jetties at the mouth of the Mississippi River, and examine that of the St. Johns River. His opinion being favorable, the United States government commenced making appropriations for constructing jetties there, but they were intermittent, and at the end of thirteen years a channel over the bar fifteen feet deep at low tide and nineteen and one-half feet at high tide had been obtained; but owing to a long and shallow reach in the river at Dames Point, the city of Jacksonville received but small benefit. On Aug. 25, 1890, the *Times Union*, the leading paper in the city, asked "what are we going to do about it?" The writer of this article, then secretary of the board of trade, suggested that "we do it ourselves." The

idea took root and after a discussion pro and con it was determined to bond Duval county for $300,000 and under sanction of the United States government the work was carried to completion. The government thereafter was more liberal in its appropriations and now a channel twenty-four feet deep at mean low tide and practically 300 feet wide exists from Jacksonville to the ocean.

Prior to the year 1905 there existed in Florida nine schools of so-called higher education which were denominated colleges, viz., the Florida Agricultural College or University of Florida, at Lake City; the West Florida Seminary, known as Florida State College, at Tallahassee; the White Normal School, at DeFuniak Springs; the East Florida Seminary, at Gainesville; the South Florida College, at Bartou; the Florida Agricultural College, in Osceola county; the Institute for the Blind, Deaf and Dumb, at St. Augustine; the Colored Normal School, at Tallahassee; and the industrial and normal department of the Industrial and Normal School, at St. Petersburg. Under this system the burden upon the taxpayer became very onerous and state appropriations for their maintenance were yearly increasing. Each of these so-called colleges had its separate board of trustees; each importuned succeeding legislatures for funds to be disbursed in their own way and without system; and each was becoming a political factor whose strength, when joined together, was so powerful as to force the legislature to make appropriations to them, even against the best judgment of that body. Under these conditions the legislature in 1905 abolished the entire system by what is known as the *Buckman Bill,* and created in their stead a state university for men, and a college for women; the former located at Gainesville and the latter at Tallahassee. The Colored Normal School

and the institution for the blind, deaf and dumb were retained. The state board of control was created to manage these four institutions. There are two other very prosperous colleges in the state, viz., the Stetson University, a Baptist institution, located at DeLand, and Rollins College at Winter Park. The latter was founded by the Congregationalists, but is now undenominational.

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THE HISTORY OF LOUISIANA.

Chapter I.

LOUISIANA UNDER FRENCH AND SPANISH CONTROL.

Introduction.

THE history of the Mississippi Valley, which for the first hundred years after its discovery, was known to political geography as the province of Louisiana, must ever be of surpassing interest to the American student.

Its existence and value were neglected by the Spaniards who sought and found fame and wealth in Central and South America. When at last this field was fully occupied the Spanish explorers turned to the Northern Continent hoping to find there territories as rich in treasure as those of the South, but disaster dogged their footsteps. After two attempts at conquest, exploration of the valley of the Mississippi was abandoned for a century.

During this time the other maritime nations of Europe had planted settlements along the coast. The country they occupied was a comparatively narrow strip bounded on the west by the densely-wooded heights of the Alleghanies. The French explorers had discovered and taken possession of the Gulf and valley of the St. Lawrence. Their intrepid hunters soon penetrated to the great lakes and

learned from the Indians of the great river which might lead to the Pacific Ocean. To solve the riddle, expeditions were sent from Canada, one to ascend the river, the other under La Salle to seek the mouth, which he reached on April 9, 1682. For the king, Louis XIV., he laid claim to the whole of the lands on all the streams falling into the great river Mississippi. Iberville reaped the fruit of the discovery of La Salle and founded the colony of Louisiana at Ocean Springs (Old Biloxi) in 1699. Its growth was slow. The colonists did not attend at first to the agricultural work which was needed. Pestilence and hostile Indians were combated with difficulty. Commerce suffered from the monopolies of Crozat and Law, and when directly governed by the Crown the colony might have flourished, but a dual form of government, a governor and an intendant, and unwise commercial laws retarded the progress of colonial Louisiana.

The result of the war between England and France was to cause the dismemberment of Louisiana. The country on the eastern bank of the river was ceded to England and that on the west, together with the island of Orleans, to Spain. The French inhabitants protested in vain. Milder governors succeeded the severe O'Reilly. The strict commercial regulations of the Spanish colonies were but little observed, and Louisiana advanced rapidly in wealth. The enterprising population of the American states began to claim a free outlet for their products and were only granted a temporary place of deposit. The revolution in France called to office men who wished to recover its ancient colonies and finally Bonaparte, in 1800, dreaming of a colonial empire, under pretense of an exchange for the duchy of Parma, compelled the retrocession of Louisiana by a secret treaty. The government of the province

was left in the hands of the Spanish officials, who withdrew the right of deposit. Thereupon arose such an outcry from the western settlers that the President was compelled to take immediate steps to obtain the command of the mouth of the river, and to that end offered to purchase New Orleans, but Bonaparte needed money and feared the seizure of Louisiana by England. He offered to the astonished American envoys the whole province. The price of $15,000,000 was quickly arranged and a treaty was signed. A commissioner was sent from France to receive Louisiana from Spain, and twenty days later, on Dec. 20, 1803, the ancient French colony became a portion of the United States, bringing an accession of territory which gave to the young republic a great place among the nations of the world.

The Spanish and French Explorers and the French Settlements, 1512-1763.

There are three kinds of title to unknown lands, those of gifts, discovery, and possession. The first is seldom of much validity without the addition of one of the other two. The second has in many cases been admitted, but subject to being superseded by the third, which in the hands of strong powers is invincible. All of these find illustration in the continent of North America, the title to which by the gift of Alexander VI. in the Bull of partition of 1495, lay with Spain.

It was strengthened by the discovery of Florida by Ponce de Leon in 1512 and by the settlement of St. Augustine in 1565. The maritime powers of Europe, disregarding the claims of Spain, did not hesitate to occupy the Atlantic coast by settlements from the St. Lawrence to Virginia before Spain took steps to take possession of the Gulf coast by founding Pensacola on the Gulf of Mexico.

In 1528, Pamphilo de Narvaez, seeking to rival the deeds of Cortez and Pizarro, landed in Tampa Bay with an army of 500 men. After useless wanderings in search of gold in the interior, he embarked with his few remaining companions for Mexico. They passed the mouth of the Mississippi, and after shipwreck and disaster, in which Narvaez and many others were lost, a few survivors, headed by Cabeza de Vaca, landed in Rio de las Palmas, and finally reached the Spanish settlements in Mexico.

The Frenchman Cartier, in 1534, discovered the St. Lawrence, which gave to France access to the interior of the continent.

The pompous expedition of Hernando de Soto arrived in Florida in 1539. He penetrated among hostile tribes as far north as the 37th degree of latitude in Kentucky, and after continual fighting, in which his losses were great, reached the banks of the Mississippi in April, 1541, at a point near the present town of Memphis. He crossed the river at that place and marched through Arkansas. Harassed by hunger and fatigue, the army, led by its indomitable chief, followed the Red River to its junction with the Mississippi. Hernando de Soto was seized with fever and died on June 30, 1542, in the forty-second year of his age. To prevent his body falling into the hands of the Indians, it was sunk in the middle of the river. His lieutenant Muscoso built ships and led the few survivors down the Mississippi to the Gulf. They went westward along the coast and eventually reached Panuco, Mexico.

For 130 years the valley of the Mississippi was unvisited by the white man. In 1584, despite the protests of Spain, an abortive attempt at the colonization of Florida on the Atlantic coast was made by the French. The Dutch and English meanwhile were

rapidly laying the foundation of permanent settlements along the Atlantic coast.

In Canada the French colony was growing. In 1673 Frontenac sent Marquette and Joliet to confirm the report of a great western river. On their return, after having traveled down the Mississippi to its junction with the Arkansas, it was determined to prosecute the explorations, and Robert Cavelier de La Salle was sent to make a complete examination of the river. Under his instructions in 1680 Father Louis Hennepin with two companions ascended the river to the Falls of St. Anthony; in 1682 La Salle himself with twenty-three white men, eighteen Indians, ten squaws and three Indian children decended the river to its mouth, which he reached on April 9. He gave to the newly-discovered country the name of Louisiana after his master Louis XIV., on whose behalf he laid claim to all the lands watered by the Mississippi and its tributaries.

After building some trading-posts and fortifications along the Mississippi River, one near the mouth of the Arkansas River, and another in the neighborhood of the present city of St. Louis, La Salle went to France, to lay before King Louis XIV. his plan for the development of a French empire in the New World. He actually succeeded in securing an interview with the King himself, before whom he placed his great dream of French world-wide empire. He spoke of the possibilities of connecting the mouth of the St. Lawrence and the mouth of the Mississippi by French settlements, and of the fear of Spanish aggressions from the southwest. His representations appealed to the King, and were seconded by the French Minister Seignelay. Thereupon King Louis authorized La Salle to establish a settlement near the mouth of the Mississippi

ROBERT CAVALIER DE LA SALLE.

River. He also gave instructions authorizing La Barre, who had taken possession of La Salle's posts along the Mississippi, to return the same into the hands of La Salle himself.

After some delay in securing ships and settlers, La Salle in 1684 sailed from La Rochelle with four ships. The mariners were not familiar with the gulf and passed by the mouth of the Mississippi River, and a landing was effected at Matagorda Bay, which is on the coast of the present state of Texas.

At this point La Salle determined to establish a fort. Unfortunately for his enterprise his mechanics were inefficient, and dissension arose among the settlers, after Beaujeu, the commander of the small fleet, had sailed away. To add to this sad state of affairs, the only remaining vessel of La Salle, which was laden with the provisions for the colony, was wrecked, and it was necessary to secure help from some source, or the colony would perish. La Salle formed the bold purpose of proceeding overland to Canada, and on such a desperate expedition he departed with a few of his followers. He had gone only a short distance when he was shot by one of the party. Thus perished the greatest of French explorers in North America, the man who planned more broadly for the French empire in America than any of the French statesmen. A few of his followers succeeded in reaching Fort St. Louis of the Illinois, where they met Tonty, the chivalric explorer and devoted friend of La Salle, who had been exploring the Arkansas country.

The colony which had been planted by La Salle in Texas was destroyed by the Indians. The Spaniards had not been unmindful of the action of La Salle, and themselves had sent a force from Mexico against the colony, but they found only the ruins of the settlement. After the death of La Salle in 1687,

several years elapsed before the French made any further effort to settle the lower Louisiana region.

France was not in a position to push her colonial schemes. Louis XIV. was engaged in many European wars, and the long war with Holland and England from 1688 to 1697 occupied his entire attention. The treaty of Ryswick, however, left open to him an opportunity to consider the development of his American colonial schemes. The Count de Pontchartrain, Louis XIV.'s minister of marine, was favorable to the same colonial schemes and policies which had been advocated by Colbert and Seignelay. He, therefore, selected a brilliant young officer, Pierre Le Moyne d'Iberville, to lead an expedition into the Mississippi country, to rediscover the great river and to make a settlement somewhere in the surrounding region.

Louisiana Settled.

After the failure of La Salle's expedition, Iberville, who had won fame by successful attacks on the English on Hudson's Bay, went to Paris to urge the necessity for action in the Gulf of Mexico. The lack of money and of interest in colonial questions delayed his departure. English and Spanish spies reported the intended expedition to their governments, and Spain, the most interested, sent an expedition to found Pensacola, so that on the arrival of Bienville she had strengthened her claim to the gulf coast by actual settlement. Nothing daunted, Iberville, with his brother Bienville, aged nineteen, continued their voyage, and in February, 1699, cast anchor at Ship Island. Both brothers were familiar with Indian signs, so that they rapidly acquired means of communication with the few natives whom they encountered.

Iberville and his brother left their ships at Ship

Island, and proceeding in some small boats rediscovered the Mississippi River on March 2, 1699. After several days they found a very muddy stream flowing into the Gulf, which they assumed to be the Mississippi River, and this they ascended past the present site of the city of New Orleans, returning by the way of the lake, which Iberville called Pontchartrain, to Ocean Springs (Old Biloxi), where the first French settlement in the Mississippi Valley was planted.

Iberville then appointed Sauvole as governor, and his brother, Bienville, second in command, and on May 4 of the same year he sailed for France. During the absence of Iberville the colonists explored the surrounding region, Bienville going up to the lands of the Mobile, Chickasaw and Alabama Indians.

In December, 1699, Iberville returned from France with supplies and additional settlers. His object now was to make a settlement on the Mississippi River proper, and he ordered a fort to be built about fifty-four miles from the mouth of the river. He himself proceeded up the river as far as the present site of Natchez. In command of this fort on the Mississippi he placed his brother, Bienville. His last visit to Louisiana was in December, 1701. Sauvole, who had been put in charge of the colony at Biloxi, died of fever in August, 1701, and the seat of the colony was removed in 1702 to a settlement on the Mobile River. Iberville was sent on an expedition to the West Indies in 1705, and died at Havana in July, 1706. The present city of Mobile was founded in 1711.

The colony was in an unfortunate position; communication with the mother country, on which it depended for almost every necessity, was prevented by the state of war with England, and the colonists

suffered from disease and privations. In 1702 it was decided, as mentioned above, to leave Biloxi for Mobile, but war with the Alabamas broke out in that year and a little later with the Chickasaws. The outlook was improved in 1704 by the arrival of ships with provisions and colonists to whom lands were allotted along the river, but, unfortunately, there was an outbreak of an epidemic supposed to be yellow fever, and among the victims in 1704 was the brave Tonty, who had been with La Salle. Much dissatisfaction was unjustly felt with the management of Bienville. The colony was neglected by France, and suffered from want of food and supplies. Cadillac became governor in 1713 and Bienville was sent against the Natchez to punish them for the murder of some Frenchmen.

The early years of the Louisiana colony were not profitable in a financial way. At one time the colony was almost at the point of starvation and was saved by securing provisions from the Spaniards at Pensacola in Florida, which settlement had also been saved by provisions the year before secured from the French at Biloxi. Beginning with 1702, the French and Spanish powers became friendly in the New World, due to the fact that a French prince was made King of Spain, and France and Spain were fighting as allies against Austria and England.

The War of the Spanish Succession, as it was called, was very hurtful to the growth of the colony, as the king could give no attention to it. The population in 1706 was about eighty-two and the total head of cattle was about forty-six.

Under the adverse circumstances existing, Louis XIV. in 1712 granted the whole of Louisiana to a wealthy merchant named Antoine Crozat. The population was now about 400, scattered among several

JEAN BAPTISTE BIENVILLE.

Governor of Louisiana.

settlements and trading-posts. Crozat's charter was for fifteen years, with the exclusive right to control all trade to and from the colony. Crozat was thus made a sort of proprietor, though the king bore part of the expense of running the colony. Under Crozat's orders, efforts were made to open up trade with Mexico, but they did not succeed. By 1717 there were some 700 persons in Louisiana, chiefly on the Mississippi and Mobile Rivers, and at Biloxi.

The rising of the Natchez Indians in 1716 compelled immediate action. Bienville was sent with only a few soldiers to inflict punishment. By strategy he succeeded, and compelled the natives to assist in the building of Fort Rosalie. In 1716 Crozat, being dissatisfied, recalled Cadillac and left Bienville to govern the colony until the arrival of de L'Epinay, the new governor. Hardly had de L'Epinay arrived before Crozat, finding that his monopoly was unprofitable, surrendered it in 1717, and soon after he had done this the Mississippi or Western Company, under the direction of a shrewd Scotchman, John Law, secured a charter good for twenty-five years to the Louisiana Territory, with exclusive commercial rights and power to form settlements and to develop industries. The king gave the company all the forts, magazines, guns, ammunition, vessels, boats and provisions, etc., in Louisiana which had been surrended by Crozat.

Bienville was appointed commander-general and governor; and he determined at once to make a permanent settlement on the Mississippi River. In February, 1718, he selected the present site of New Orleans, which was named in honor of Philip of Orleans, the Regent of France. It was Bienville's intention to move the seat of government immediately to New Orleans, but this was opposed by the

Superior Council. France now being at war with Spain, an expedition was undertaken against Pensacola, which was captured, but later returned to the Spaniards.

The more accessible portions of the colony had been granted to capitalist shareholders in the company who sent out shiploads of workers and their wives and children. Biloxi and Mobile were too small to deal readily with the numbers who had arrived and much sickness resulted.

The failure of Law in 1721 for a time threatened the destruction of the colony, but the Mississippi Company showed faith in its value, and continued its shipments of men and material. The settlers on Law's concession, abandoned after his failure, went to New Orleans and were given lands above the city. By their industry the *Côte des Allemands* or German Coast soon became one of the richest parts of the state.

Further troubles with the Natchez occurred in 1723, and a year later the many complaints made against Bienville resulted in his being recalled; before his departure he issued a revision of the Black Code for the management of the slaves in the colony. The government of Perier, who arrived in 1726, was marked by the coming of the Ursulines in 1727 and by a great war with the Natchez Indians. From 1727 to 1731 the existence of the colony was endangered by Indian troubles, but considerable reinforcements were sent from France, and after much bloodshed the Natchez were practically exterminated.

In 1731, after fourteen years of continuous expenditure with little hope of eventual profit, the company resigned its charter and Louisiana became a crown colony. Bienville, exonerated from the charges brought against him, was reinstated as gov-

ernor. He determined to protect the colony by securing the submission of the Chickasaws. In the attempt he suffered great losses and returned to New Orleans after only partial success. To his difficulties were added the financial troubles resulting from the edict which withdrew the paper of the Mississippi Company from circulation. The last years of his administration were devoted to measures beneficial to Louisiana. He left New Orleans on May 10, 1743. During his two terms of office, covering thirty-five years, he had constantly believed in and worked for the success of the colony in the history of which he had been the most important factor.

The ten years (1743-1753) of the administration of Vaudreuil were rendered difficult by the war between England and France and by Indian wars. The colony, however, made considerable progress. Vaudreuil was succeeded by Kerlérec in 1753 who labored under many difficulties, internal and external. The colony was deprived of communication with Europe by the presence of English cruisers. France suffered defeat in Canada, and by the treaty of Paris in 1763 surrendered the territory east of the Mississippi, excepting the Island of Orleans, to Great Britain, and to Spain, by the secret treaty of Fontainebleau in 1762, all the rest of Louisiana.

Louisiana under Spain.

Kerlérec, being recalled to France in 1763 to answer various charges brought against him, was succeeded by D'Abbadie, whose short term of office was marked by the explusion of the Jesuits and the publication of the cession of Louisiana to Spain. He died in 1765 and was followed by Aubry who was little fitted for the difficult position created by the delay of Spain in taking possession of the territory.

Many of the Acadians, expelled from Nova Scotia in 1755, arrived in Louisiana after ten years of wandering. They were hospitably received and a tract of land was granted to them westward of the German Coast. By their devotion to agriculture they have done much to advance the wealth of Louisiana.

In July, 1765, came definite news of the arrival in Havana of Antonio de Ulloa, the official charged with the duty of receiving the cession of the colony. He arrived in New Orleans in 1766. He was a man of merit and a distinguished savant, but he utterly lacked the qualifications necessary for the discharge of his instructions. The government remained in the hands of Aubry at the expense of Spain.

The cession of Louisiana to Spain was generally obnoxious to the people of New Orleans and the surrounding country. They were greatly attached to France, so they held a meeting in New Orleans, composed of delegates from every parish, and the richest merchant of the state was sent to France, begging that steps should be taken whereby the cession should not go into effect.

Bienville, then eighty-six years of age, residing in Paris, begged the king to take back Louisiana, but the king declared that the matter had gone too far, and that Louisiana must pass into the hands of the Spaniards. When this announcement was made the people were filled with consternation, and when Don Antonio de Ulloa arrived as a representative of the King of Spain he was very coolly received. He feared the state of affairs and would not take official possession until some troops arrived.

The people wished to remain French, and were much opposed to the rule of Spain. As Louis XV. had not listened to their entreaties they thought of establishing a republican form of government in Louisiana. The French banner was not yet taken

down and the people asked that Ulloa be withdrawn. In October, 1768, a revolution broke out against his rule, and Ulloa departed from the colony. As a matter of fact, he had been given notice that he had to embark. The inhabitants thereupon printed a long memorial in explanation of their conduct and making charges against Ulloa, but the expelled governor was heard at the court of Spain. The chief of the Revolution of 1768 was Lafrénière, a heroic and eloquent man.

Don Alejandro O'Reilly was then appointed as captain-general of the province, and sailed to Louisiana. He took possession of the country in the name of the King of Spain. The Louisianians hesitated, and were almost ready to resist, but they were overawed by O'Reilly's military spirit and the strength of his soldiers and ships, so finally, on Aug. 18, 1769, Louisiana was surrendered into the hands of O'Reilly as a representative of the King of Spain, and Spanish domination prevailed in Louisiana.

The first step of O'Reilly was to establish a firm government assimilating Louisiana to other Spanish colonies. Claiming that the domination of Spain dated from the coming of Ulloa, he arrested and sent for trial to the Spanish court twelve of the most prominent of those who had resisted the cession. They were all convicted and six sentenced to death, the others to different terms of imprisonment. O'Reilly's severity was inexcusable, and his victims are known as the "Martyrs of Louisiana." He abolished the Superior Council and established a cabildo, a form of government which lasted during the entire time of the Spanish domination. His successor, Luis de Unzaga, took up office in 1770 and married a Creole, a Louisianian of French origin. Under his mile rule the dissatfaction of the French disappeared.

Though commerce was restricted by the narrow policy of Spain, necessary supplies were allowed to enter by smuggling, and prosperity increased. The War of Independence in 1775 increased the difficulties of Spanish rule. It was the cause of the coming to New Orleans of a great number of Americans, which continually increased until the final union with the United States. When the American colonies began to struggle for independence in 1775 the people of Louisiana were greatly interested. They were in full sympathy with the colonies. The population of Louisiana had increased considerably, for in 1769 New Orleans had a population of over 3,000 and the whole province of about 14,000, and by 1776 the colony had increased still more.

A report of 1776 shows that there were a number of settlements along the river other than New Orleans, and gives the resources of the country with reference to commercial products, indicating the great possibilities to Spain from these sources.

The commerce of the colony amounted annually to about $600,000. Most of this commerce went to England. It is not to be forgotten in this connection that the English had secured East and West Florida from Spain by the treaty of 1763, thus giving England all of old Louisiana east of the Mississippi River, except the Island of Orleans. Consequently the English people were in close touch with this Mississippi trade, and vessels went direct from London to New Orleans.

At Baton Rouge was a large English settlement, and it was feared by the Spanish power that too many English would come into the province. Complaint was made that the English were also friendly with the Indians, and were inciting them to rebellion and insurrection; hence the report of 1776 favored Spain's entering into the war against England be-

cause the Spanish settlers still residing in Florida were in sympathy with Spain, and because the rebellion of the American colonies would tend to increase Spain's chances of success. As is well known, this suggestion proved true, for at the end of the American Revolution Spain secured possession of East and West Florida, and thus, with Louisana and Mexico, encircled the Gulf.

At this time the governor of Louisiana was Bernardo de Galvez, who had been appointed to this position in 1777. He was the son of the Viceroy of Mexico and nephew of the president of the council of the Indies. He had acquired a reputation for bravery in Africa and had come to Louisiana as captain of the local regiment of militia. On the declaration of war between Spain and England, Galvez, with an army of 1,400 men, captured Baton Rouge and the British settlements on the Mississippi in 1779. In spite of great difficulties, in the following year he took Mobile and Pensacola in 1781, and thereby won the whole of West Florida for Spain. By the Treaty of Paris in 1783 a boundary was found between the territories of Spain and of the United States and the navigation of the Mississippi was declared free. These great successes won great rewards and Galvez was named Viceroy of Mexico in succession to his father. It is due to the efforts of Galvez that Louisianians by right claim that they took part in the war for American independence.

In 1783 Miró became governor of Louisiana. He also married a French Creole and by his liberal interpretation of the Spanish laws permitted the rapid growth of the surrounding settlements of the Anglo-Saxon colonies. The king of Spain also granted more liberal commercial privileges to the Louisianians and this greatly increased the wealth of the people.

Miró conciliated the Indians, chiefly through the influence of Alexander McGillivray, the halfbreed Indian chief of the Talapouches. He was led to hope that he might induce some of the Western states to secede and place themselves under Spanish rule. New Orleans prospered greatly but suffered much loss from a great fire in 1788, according to the governor, amounting to $2,595,000. In 1785 New Orleans contained about 5,000 persons and Louisiana and West Florida about 32,000. The census of 1789 shows about 5,500 in New Orleans, and in Lower Louisiana 35,000 and Upper Louisiana 2,000. Louisiana proper had increased 10,000 in five years. The white population in 1788 was 19,500.

The language in use was chiefly French, and Governor Miró reported that he could not get the people, except Spanish families, to consent to the use of Spanish in the schools, though that language was used in all court proceedings. Miró prevented the introduction of the Inquisition. The French revolution and its results, both in France and Santo Domingo, brought into the colony large numbers of Frenchmen, thus accentuating this element in Louisiana. Miró resigned in 1791 and was succeeded by Baron Carondelet, who continued the liberal commercial policy of his predecessor. The peace of the colony was much disturbed by the presence of revolutionary Frenchmen who had some hopes of regaining Louisiana for France. The fortifications of the city were put in good condition, and the movement subsided. In 1795, by the Treaty of Madrid, the free navigation of the Mississippi was reapproved and a right of deposit in New Orleans was granted to the citizens of the United States, renewable at the end of three years. The sugar industry which had been abandoned for nearly thirty years became vastly important through the discovery of

the means of granulation, and prosperity reigned in the colony. New Orleans was provided with public lighting and police protection.

In 1797 Carondelet received promotion and was followed by Gayoso de Lemos, during whose government the presence of incoming American settlers was more and more felt. Spain revoked the right of deposit, and the whole west demanded its reënactment. The United States prepared for war, but Spain gave way and restored the right. On the death of Gayoso, Bouligny took temporary charge and was followed in 1797 by Casa Calvo.

In 1801 Salcedo became governor, and under him happened the event which brought about the termination of the Spanish rule. The intendant Morales withdrew by proclamation the right of deposit which the citizens of the United States had. About this time a great man had injected himself into European politics, Napoleon Bonaparte. He dreamed of a colonial empire. On Oct. 1, 1780, he negotiated a secret treaty of peace through his minister, Berthier, at St. Ildefonso, with the king of Spain, whereby all of Louisiana was retroceded to France. But not till 1802 did the king of Spain finally ratify the treaty. The First Consul appointed Bernadotte, afterward to be king of Sweden, as governor-general to take formal possession of Louisiana, but Bernadotte would not go to America unless he had a sufficient armed force, which Bonaparte refused to furnish. He even went so far as to draw up a complete system of government for the province. General Victor was then appointed to take possession of Louisiana, but at this time the peace of Amiens between England and France was broken and Bonaparte never sent an expedition to America. So during this period the Spanish officials continued to rule just as some forty years before the French officials were in charge

awaiting the arrival of Spanish authorities. In the meantime, the United States was becoming very much disturbed about the navigation of the Mississippi. How could the tobacco raised in Tennessee and Kentucky be shipped if the Mississippi River should be closed? The grain trade of the Northwest would have no other outlet. The position became daily more critical for the United States, which feared that England might eventually seize Louisiana. Bonaparte was therefore approached by the representatives of the United States for the purchase of the city of New Orleans. To strengthen these offers the representatives were to explain to the French that this government could with difficulty keep back the army of Western settlers which was preparing to take possession of the city.

Bonaparte, whose hopes of the reconquest of Santo Domingo had been defeated, resolved to prevent the fall of Louisiana into the hands of the English, hence he was willing to listen to American overtures. The infant republic of the United States had become a giant in strength, but so rapidly that control of its members was difficult, if not impossible. From 1783 an increasing proportion of the surplus products of the settlers on the eastern bank of the Mississippi had, by the consent of the Spanish governors of Louisiana, found its way to New Orleans, a right of deposit having been granted. The pressure of the Western settlers for an outlet by the Mississippi River became so great that President Jefferson felt compelled to instruct Robert Livingston, the ambassador in Paris, to immediately secure the mouth of the river. He was to offer $2,500,000 for the city and for the Floridas. Monroe was sent to assist Livingston, but before his arrival Bonaparte had come to the decision to cede the whole province. When Monroe arrived he and Livingston agreed to

listen to Bonaparte's plan. With great wisdom they accepted the proposition. After a little negotiation the sum of $15,000,000 was fixed on as the purchase price and a treaty was signed on April 30, 1803. The transfer of the province of Louisiana by Spain to France took place on Nov. 30, 1803, in the Cabildo building in New Orleans. At the same place, on Dec. 20, 1803, Laussat, the French Colonial Prefect, transferred the province to the American commissioners, Wilkinson and Claiborne. When the treaty of cession was signed Bonaparte remarked: "This accession of territory strengthens forever the power of the United States, and I have just given to England a maritime rival that will sooner or later humble her pride." Certain it is that the acquisition of Louisiana was the beginning of the making of the United States into a world power.

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Chapter II.

THE TERRITORY OF ORLEANS, 1803-1812.

Territorial Government Organized.

The acquirement by the United States of that vast domain west of the Mississippi, over which the name Louisiana was at one time writ quite large, is perhaps as important an event as any chronicled in American history.

In the light of recent developments, this acquirement takes on an added and peculiar significance. We are familiar with the fact that the soil of this acquired and purchased province germinated seeds whose fruitage was to be the greatest sectional conflict of modern times. We know that the purchase of Louisiana stretched the Federal constitution so that it was never again to return to exactly that which the founders of the republic intended it to be.

We recognize that when Louisiana was bought from France, the United States began a march towards national expansion, whose advance not even the world's greatest ocean has checked. And now, when the issue of Imperialism looms so large upon our political horizon—Imperialism which means the government by a free people of another and distant people less free than themselves by virtue of the difference between governed and governing—we have but to refer to that period of Louisiana history that records its transition from foreign province to American state to see the beginnings of that same imperialistic tendency which, in our day, is finding fuller expression, and the same governmental problems as those recently bequeathed us for solution as a result of the war with Spain.

The territorial entity that preceded what is now the state of Louisiana came into existence as the Territory of Orleans by act of Congress, approved March 26, 1804. By this act the region purchased under the treaty with France was divided into the *District of Louisiana* (shortly afterwards to be changed to the Territory of Louisiana), and the *Territory of Orleans,* soon to resume the original title upon its attainment to statehood. The dividing line was the 33d parallel of latitude, the only definite boundary then established if we except the southern or coast line, for the western boundary was not to be fixed until seven years after Louisiana became a state, and the eastern boundary was to be in doubt until Spain was compelled to give up her West Florida possessions, which then extended to the Mississippi River.

If the purchase of Louisiana as a land transaction called for no formidable opposition on the part of those who shaped American legislation, the same cannot be said of the proposed incorporation of her people into the American Union. This incorporation was distinctly pledged in the treaty of cession, which declared that the Louisianians should be admitted "to all the rights, advantages and immunities of citizens of the United States." To what extent this pledge was kept may be summed up in the words of Henry Adams in commenting upon the act providing for the first government of Orleans Territory. "Louisiana," says he, "received a government in which the people, who had been solemnly promised all the rights of American citizens, were set apart, not as citizens but as subjects lower in the political scale than the meanest tribes of Indians whose right to self-government was never questioned."

The reason for the withholding of the rights and

privileges of self-government can only be ascribed to that distrust which English-speaking races seem to regard the ability of Latin peoples to assimilate and appreciate Anglo-Saxon ideas of civil liberty and government. It finds expression to-day in all discussions regarding our national policy in Cuba and the Philippines. It found expression in Congress when the proposed government of Orleans Territory came up for debate. Said Dr. Eustis, member of Congress from Boston: "I am one of those who believe that the principles of civil liberty cannot be suddenly grafted upon a people accustomed to a regimen of a directly opposite line. I consider them [the Louisianians] as standing in nearly the same relation to us as if they were a conquered country."

Form of Government.

Let us note the significant features of the first Louisiana territorial government that met the approval of Congress and the President. The executive power was vested in a governor appointed by the President, whose term was to be three years. The legislative power was vested in the governor and thirteen of the most "fit and discreet persons" of the territory, who were to constitute a legislative council, and who were to be appointed by the President annually. The judicial power was vested in a Superior Court of three judges and a District Court of one judge, all of whom were appointed by the President. Any one of the three Superior Court judges constituted a court or quorum.

In addition, there was a secretary of the territory appointed by the President for a term of four years, whose chief function seems to have been to note the acts and proceedings of the governor and of the legislative council, and report same direct to the

President of the United States—a sort of genteel spy, as it were.

Although the importation of slaves was permitted to the rest of the Union where, under the constitution, the slave trade was to continue until 1808, the people of Orleans Territory were prohibited either from making such importation or from bringing into the territory any slave that had been imported into other portions of the United States after the year 1798.

The indignation of the inhabitants of Louisiana when the provisions of this act became known can hardly be conceived. They had been promised all the rights and immunities of American citizens, whose dearest right is that of choosing their own lawmakers and government officials, and this right, in particular, had been withheld from them. They had been led to believe that a republican form of government would be provided for them at once, making them a co-member of the Federal Union, and the form forced upon them without their consent was, in their opinion, as despotic a form as monarchism ever conceived. They claimed that the appointed officers sent to rule them were wholly out of touch and sympathy with the people whom they were sent to govern, not even being conversant with the language in general use in the territory. They bitterly protested against the division of their magnificent domain, whose entire area they would keep intact even as the people of the great state of Texas have succeeded to this day in preserving their empire-like domain from disruption. They could see no justice in the restriction imposed upon them in regard to the importation of slaves, so necessary to the development of their land holdings.

Opposition to the Territorial Government.

Their indignation found expression in a series of mass-meetings, one of which, assembling June 1, 1804, appointed a committee to memorialize the Federal government to repeal the provisions of the Act of March 16 regarding the dividing of Louisiana and the prohibiting of slave importations, and to admit the undivided territory as a state to the Federal Union.

At a subsequent mass-meeting three Creole citizens of strong character and superior intelligence, Derbigny, Sauvé and Destrehan, were selected to bear the protest and memorial to Washington. This delegation made a pleasing impression upon Congress and the President, who were thenceforth to entertain a higher opinion of the people so ably represented by these delegates. Only partial success, however, attended the efforts of these gentlemen, the concession made by Congress being embodied in an act, approved March 2, 1805, "further providing for the territorial government of Orleans."

By this act the inhabitants were to enjoy all the rights, privileges and advantages secured to the people of the neighboring Mississippi territory, whose government had in turn been patterned after the territory "northwest of the Ohio." The Louisianians were given a voice in the selection of their lawmakers, which was a decided step towards self-government, and provision was made for a bi-cameral legislative system somewhat unique in its nature, as follows: The state was divided up into twenty-five election districts and the people were to choose a representative from each to constitute the House of Representatives, or lower legislative branch. From a list of ten submitted by this lower house the President of the United States, with the approval of the Senate, selected five to constitute a

legislative council, or upper branch of the legislature. The legislators served two years, the legislative councillors five.

Governor Claiborne's Administration.

Meanwhile President Jefferson had appointed William Charles Cole Claiborne to be the first governor of Orleans territory. The choice was in many respects a very wise one. Claiborne was a Virginian by birth, had already won deserved political prominence, and was a great favorite of the President's. He had migrated to the territory "south of the Ohio" about the time it was ready to become the state of Tennessee, and when barely twenty-one had served as member of its first constitutional convention. He had been elected in succession judge of the Superior Court of Law and Equity and member of Congress. In the latter capacity he rendered Jefferson signal service when effort was made in Congress to override the will of the people in the presidential election of 1800, by making Aaron Burr president instead of Jefferson. Jefferson appointed him governor of Mississippi territory, where he displayed unusual ability in administering affairs. When Louisiana was purchased, he and Gen. James Wilkinson were the commissioners representing the United States in the formal ceremony of transfer. He acted as governor of the acquired province until the territory of Orleans was formed, when he was duly appointed and commissioned the first and only governor of that territory.

Claiborne found a task before him formidable enough to daunt an ordinary man, and one calling for the utmost tact and administrative ability. Two antagonistic factions soon developed in the community governed by him. One consisted for the most part of the native or Creole element, the other

of newcomers or so-called American element, for the adventurous and enterprising had begun to migrate from the older states to the region of the lower Mississippi, even while Louisiana was a Spanish dependency.

The Creoles were full of resentment against the proposed new government. They were naturally conservative, were disposed to cling to tradition, and were disinclined to change. They had been bitterly disappointed in their hope of once more returning to the dominion of their beloved France. To them, the coming of the Americans with their new ways and customs was as the coming of the barbarians to ancient Rome.

Actuated by this spirit of irritation and resentment, a number of the leading citizens of the territory, whose coöperation would have been invaluable in the organization and establishment of the new government, declined all tenders of honor or appointment at the hand of the governor or President. Thus of the thirteen selected by the President as members of the first legislative council—Boré, Bellechasse, Cantrelle, Clark, DeBuys, Dow, Jones, Kenner, Morgan, Poydras, Roman, Watkins and Wikoff —four declined: Boré, Bellechasse, Jones and Clark.

Of the three judges of the Superior Court—Duponceau, Kirby and Prevost—the first-named refused to serve, the second died, and only Prevost, stepson of Aaron Burr, was left to hold court. Thus the very condition which the Louisianians most feared—a one-man Supreme Court—was brought about, and in view of the fact that many legal questions bearing upon property rights and land ownership would probably arise before complete adjustment of the new to the old would be effected, it was a matter of some concern to the Louisianians that their fate before the law should depend upon

the whim, decision or insufficient knowledge of a single judge.

The governor was tactful, however, and some of the prominent "Americans" sided with the Creoles, serving in part to make breaches in the line of demarkation that had been strictly drawn according to language and race. Thus the committee that prepared and drafted the memorial to Congress, praying for relief from the injustice of the first territorial act, consisted of Livingston, Jones, Pitot and Petit—two Americans and two French-speaking citizens.

The organization of the territorial government was hastened by the President's supplying Governor Claiborne with commissions in blank to be filled in with the names of those whose consent to act could be secured. Dorciere, Flood, Mather and Pollock were appointed in place of the four legislative councillors who had declined. A quorum was thus secured and the legislative mill began to grind.

One of the first acts of the council was to divide the territory up into twelve "counties" and provide for an inferior court for each. This was an innovation upon the old designation of parishes, which designation was shortly to be resumed. The names of these counties were *Concordia, Point Coupee, Iberville, Lafourche,* Acadia, German Coast, *Orleans,* Attakapas, Opelousas, *Rapides, Natchitoches* and *Ouchita.** The first six lay along the west bank of the Mississippi River from a point opposite Natchez down to the vicinity of New Orleans. Orleans county lay principally on the east bank. The remaining five extended through the central part from the Gulf to the northern boundary line, having their western limits undefined and each being of

*Counties italicized still exist as parishes, though with smaller limits. There is an Acadia Parish in Louisiana, but it is in a different part of the state from where Acadia county was located.

such size as to permit its subsequent subdivision into a number of parishes.

When the second congressional act was passed and the territory was reorganized, Claiborne was continued as governor, Graham was made secretary, and Prevost, Sprigg and Mathews, judges of the Superior Court. From among the ten nominated as members of the council, the President appointed Bellechasse, Destrehan, Macarty, Sauvé and Jones.

The legislature, under this reorganized form of government, was, as stated, the first bi-cameral legislature of Louisiana. It was in session five months. Two of its most important acts were that establishing the famous Black Code, providing for the stringent police regulation of slaves, and that providing for the employment of two learned in the law to compile a civil and criminal code for the territory.

To the very end of his administration, not only as territorial governor but as first governor of the state, when the territory was granted statehood, we find Claiborne assuming the rôle of schoolmaster, admonishing and instructing the legislature and people as to the American polity of government and the principles of American liberty. His messages frequently refer to the "fathers of our country" and "illustrious founders of the Republic" in his adjurations to the people "to conserve and perpetuate the principles of civil liberty and the institutions of self-government."

Social and Economic Conditions.

In the year following the purchase, population increased rapidly and development went on with feverish activity. The geographical position of New Orleans, its location near the mouth of America's greatest river, induced many to believe that it was

to become the greatest city of the western world. The hardy and adventurous flocked in from all quarters. Leading commercial houses of Philadelphia and Baltimore established branches or supplied business training to many who were themselves to launch successful enterprises in the Crescent City. The bosom of the mighty Mississippi bore many a flat boat, broad horn and keel boat ladened with western produce, each with a sample of its cargo hung to an improvised masthead—an ear of corn, a jug of whiskey, a bag of flour, a ham or side of bacon. These tying up at the levee front, with the many sailing vessels coming from sea, indicated a commerce of gigantic volume. The rough and the uncouth, the intelligent and the educated mingled in the marts of trade and mixed themselves in the pot of politics that was ever sputtering and boiling over. Apart and aloof from all of these was a society of exquisite elegance and refinement that had patterned itself after court and aristocratic circles of the old world, inheriting traditions that made *noblesse oblige* and punctilious honor the governing principles of existence.

Steps to Statehood.

So marched the territory on to receive its crown of statehood. In 1803, when a census was compiled by the United States Consulate at New Orleans for the Department of State at Washington, the number of inhabitants in the whole of the territory ceded was placed at approximately 49,000. In five years the population of Orleans territory alone had increased to 76,000. The second Congressional Act providing for the government of Orleans territory specified that when the number of inhabitants should reach 60,000, the people would be authorized to form for themselves a constitution and state government, and to be admitted to the Union.

The enabling act was adopted by Congress Feb. 20, 1811. It defined the limits of the state that was to be, as they exist to-day, with the exception of that part of the present state of Louisiana lying north of Lake Pontchartrain, although the western or Sabine River boundary line had not yet been conceded by Spain. Indeed Spain had established a formidable post at Nacogdoches, Texas, and had crossed the Sabine almost to the very gates of Natchitoches, with the expectation of some day making the Red and Mermentau rivers the eastern boundary of her Texas domain. More than once the alarm over a possible Spanish invasion was sounded, militia and United States troops dispatched to the Louisiana frontier. The imminency of a clash only disappeared when the treaty ceding Florida was signed (1819).

First Constitution.

The first constitutional convention assembled in the city of New Orleans in November, 1811, and completed its labors in January, 1818. Of this constitution it may be said that it was very far from being a purely democratic instrument. It embodied to a certain extent that distrust of the people's fitness to govern themselves that had always caused friction. It prescribed property qualifications for candidates for office which greatly limited political aspirations. To be eligible, a member of the legislature had to own real estate to the amount of five hundred dollars. In the case of the governor it was five thousand dollars. The people were permitted to go through the form of voting for governor, but the legislature had power to defeat the popular choice, the methods of procedure being as follows:

Any number of candidates could be voted for at the general election. On the second day of the general assembly the members of the two houses met in

the house of representatives and ballotted for choice of the two candidates who had received the largest number of popular votes. The one of the two receiving the largest number of legislative ballots was declared governor. Thus a candidate acceptable to only a minority of the people could, by the action of the legislature, be made governor contrary to the wishes of the majority. Indeed this was very nearly done in the election of the third governor of the state, when rivalries between the Creole and American elements were at white heat. The former had a majority in the legislature; the latter had a majority of the popular vote. Only the high sense of honor of the Creole candidate, Derbigny, who positively declined to accept the office at the hands of his legislature friends when a majority of the people had voted for his rival, prevented in this instance the overturning of the popular will.

The constitution was adopted Jan. 28, 1812. Congress gave its approval April 8 of the same year by passing the "act for admission of Louisiana."

Annexation of Part of West Florida.

Just six days afterwards another act was passed enlarging the boundaries of the state so as to include the Baton Rouge district of the old province of West Florida lying north of Lake Pontchartrain, which portion of Louisiana is to this day known as the Florida Parishes.

In this connection it may be interesting to note briefly the manner in which this district came into the possession of the United States before being annexed to Louisiana. When Claiborne and Wilkinson took formal possession of Louisiana, Spain retained the Baton Rouge district as a part of West Florida, never considered by her as included in the Spanish cession of Louisiana to France just previous to the

Franco-American purchase treaty. For seven years after Louisiana became American territory the flag of Spain floated over this region.

Many English-speaking people had taken up their abode in this district. Some of them were English army officers, who had been granted land when West Florida was an English possession; others had migrated from Tennessee and the Carolinas and were imbued with the spirit of resentment against foreign domination.

In the course of time these English-speaking residents became more and more dissatisfied with Spanish rule, and in 1810 rose in revolt, drove the Spanish garrisons from the district, organized an independent state government and applied for admission to the Union. Their claim to independence and statehood was denied on the score that West Florida was considered a part of the original Louisiana purchase and therefore already belonged to the United States, notwithstanding Spain's claim to the contrary. After its annexation that portion west of the Pearl River was joined to Louisiana a few days after the admission of the new state to the Union, and the treaty of the Florida Purchase settled amicably the claims of Spain.

Claiborne's Work.

That Claiborne governed the territory of Orleans quite acceptably, everything considered, is evident from the fact that when the newly constituted state was called upon for the first time to choose its own executive, the choice fell upon him notwithstanding the opposing candidacy of one of the ablest of the native Creole political leaders. Claiborne's was the pilot hand that tactfully and skilfully guided territorial Louisiana over the shoals of intrigue, uncertainty, doubt and unrest. With the open sea of

progress before her the Louisiana ship of state, from this point of the narrative, sails on, and it remains with other hands to record the incidents of that further voyage.

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CHAPTER III.

LOUISIANA IN THE FEDERAL GOVERNMENT, 1812-1861.

Formed Into a State.

A census taken in 1810 gave the total population of the territory of Orleans as 76,556, more than enough for the formation of a state, even without

the additional population of the district of West Florida, annexed to the territory by proclamation of the President in that same year. After a memorable debate, in which the forlorn hope of conservatives in Congress, led by Josiah Quincy, of Massachusetts, made a desperate fight against extending the Union over what they regarded as an alien population, the act enabling the people of the territory to form a state government passed the House by a vote of seventy-seven yeas to thirty-six nays. Josiah Quincy did not carry out his open threat of secession, nor did Poindexter, of Mississippi territory, enjoy an opportunity of hanging Quincy and his abettors for treason. The people of the territory quietly elected a convention, which drew up a conservative constitution (Jan. 22, 1812); Congress admitted the new state of Louisiana, adding to its territory the greater part of West Florida, and the new constitution went into operation April 30, 1812.

Steamboats on the Mississippi.

The same year, a fortnight before the adoption of the constitution, the citizens of New Orleans were welcoming (January 10) the first steamboat that plied on the Mississippi. The *New Orleans* was really of far greater significance in the development of the country than the formation of a state government. The company to whom had been given the privilege of operating boats navigated by steam soon brought out two other boats, the *Vesuvius* and the *Ætna;* the steamboat, despite frequent terrible disasters, won its way rapidly, and the commerce of the city and the agricultural districts of the state felt the powerful influence of more rapid communication and reduced freights.

At first the steamboat, though more certain and more speedy than any other means of transporta-

tion, moved at a rate that would seem painfully slow, even when we remember the early practice of "tying up" at the bank of the river at night. In 1814 the trip up the river to Natchez, about three hundred miles, consumed five days; by 1820 even this had been reduced to three days; in 1834, one day and seventeen hours, and in the fifties at least two boats, the *Princess* and one of the numerous tribe of *Natchez,* made the trip in seventeen hours. During the same period the time to Louisville had been reduced from twenty-five days to four days by such steamers as the *A. L. Shotwell* and the *Eclipse.*

Population.

At the beginning of the period we are considering, the greater portion of the population of the state, says Monette (*Valley of the Mississippi,* Vol. II., p. 517), "were concentrated in the city of New Orleans, and upon the river coast for thirty miles below and seventy miles above the city. * * * The whole portion of the state west of the Washita and north of Red River, in 1830, contained scarcely two thousand inhabitants. The same region in 1845 had been subdivided into several large parishes, with an aggregate population of not less than fourteen thousand souls." From the beginning, in fact, despite the War of 1812, commercial expansion went on rapidly, immigrants came in numbers, and the population had risen to 153,407 in 1820, the greater part distributed upon the Mississippi and its tributaries, where the land was more fertile and more accessible to the steamboat and its lingering rival, the flatboat. Though the great mass of population centering at New Orleans continued to give a preponderance to that part of the state, the tendency to progress northward and westward became more and more marked, and may be briefly indicated by noting

that the next parish to Orleans in population was St. Martin in 1820, St. Landry in 1850, and Rapides in 1860, when the total population had risen to seven hundred thousand.

Plantation System.

This growth of the population, relatively, in the more northern parts of the state was due not only to the natural cause that here new lands were opened to settlement, but also to the fact that the plantation system, already strong in the sugar parishes, tended to force out the small proprietor. The policy of France and Spain had been, in the main, to encourage the small landholder, especially in the region contiguous to the mouth of the river, the object being to provide here a population dense enough to defend the entrance to the colony in time of war. And though this policy had not been rigidly adhered to, and had not brought a large population to the colony, it may be stated as a fact that for many years after the cession to the United States the number of small holdings in this portion of the state was very large. But with the advent of the more ambitious American settlers, and especially with the improvements in the culture and marketing of both cotton and sugar cane, began the elimination of the small "Cajian" farmer in the richer lands available for either of these staples. We do not require the testimony of Olmsted (*Journey in the Seaboard Sleve States,* pp. 660, 669, 673, etc.) to establish the fact that the fifty or one hundred arpent farm of Pierre Le Franc would ultimately be annexed to the thousand-acre plantation of Major Jones; the process of consolidation still, in a measure, continues.

Perhaps the large plantation system was more thorough in the alluvial lands of Louisiana than anywhere else. The land was extremely fertile, the

climate almost tropical, the means of transportation, even at the best, inadequate to handle perishable produce, while the staple crops, cotton and sugar, both required considerable outlay of capital for successful cultivation no less than for manufacture. Therefore the small proprietor, who could produce ample food crops for home consumption, but who could produce little that could be got to market and disposed of profitably, found himself unable to compete with the large capital and the superior organization on large plantations. Moreover, the soil in a great part of the alluvial territory required careful drainage, a matter not only of large expense but also capable of being carried out, in many cases, only by an extensive system covering a great area. The state of those days would aid little, if at all, in such enterprises, and coöperation among many small owners was practically impossible. While the state did aid in the other all important work of maintaining levees to protect the land from overflow, only the large owner could protect himself adequately by interior levees to keep off the water coming from the swamps and bayous in the rear, or drain off the rain water and the seepage water from within his levees. And while one overflow would irretrievably ruin the small farmer, especially if he had planted sugar cane, the larger resources of wealthy proprietors would tide them over the misfortune. In every way, therefore, the conditions were favorable to the development of large plantation systems, even without the institution of slavery.

The plantation depended for its success upon organized resources, and the analogy which has been frequently pointed out between the plantation and the factory is very suggestive. The success of the planter was not due to luck, not achieved in the indulgence of idleness, of extravagant or luxurious

tastes. The successful planter worked hard, not merely in effecting the organization of his resources, but even in the actual superintendence of work upon the plantation. In the earlier years crude methods of cultivation and slipshod management would suffice, but even here the necessity of maintaining discipline among the slaves was a healthy stimulus to activity; and as the population became more dense, the competition in agriculture more keen, the successful management of a plantation called for intelligence of no mean order and constant vigilance. The care of the land, through drainage, protection from overflow, and ultimately through simple fertilization, was essential. The care of and the direction of labor to secure its maximum of production was no less essential. The care of the working stock of mules and horses must also be considered. And above all, the exercise of good judgment in providing improved machinery for the harvesting of the crop counted greatly in the period after 1830, when steam machinery of many kinds was being introduced both for cotton and for sugar. It was, in fact, this period that separated the wheat from the chaff among the planters. They shared in the prevailing craze for extravagance and speculation, and hundreds among the less provident and energetic found the day of reckoning all too hard. The plantation system, where it really was a system, came through the ordeal rather strengthened than discredited, and after the temporary check to all business activities the large plantation continued to spread its influence over practically the entire state where conditions favored it.

It is impossible to give accurate figures to indicate the extent of the plantation system. But a fair index to conditions may be found in a brief review of cotton and sugar culture.

Cultivation of Sugar and Cotton.

Prior to 1815 the cultivation of both sugar and cotton was in a rudimentary stage, with little more organization than was inherent in the institution of slavery wherever it existed. In fact, even as late as 1846, we find that DeBow's *Review* thinks it necessary to plead earnestly for iron cotton ties in place of rope, and that this innovation is seriously resisted by the mercantile interests concerned in compresses at the larger ports, while even the simple horse-power press, with wooden screws, is so rare on plantations in Georgia that "one-half of the cotton is put up for market, not in bales at all, but bundled up in something like old meal bags." In the case of cotton, indeed, it is too often assumed that the application of Whitney's gin solved the whole problem of preparation for the market. The invention of a satisfactory press for plantation use was scarcely less important, and the substitution of iron ties is also an item of considerable importance, for the loosely tied bales were not only so bulky that they had to be compressed for ocean shipment, at extra cost, but they were also far more dangerous in case of fire, when the ropes burned through and the loose cotton expanded in a flaming mass. The total cotton crop of the United States in 1829-30 was only 976,845 bales. With increased facilities in the way of machinery, encouraging more extensive planting, the crop rose in ten years (1839-40) to 2,177,835 bales. It is estimated that the crop of Louisiana was 350,000 bales (of 400 lbs. each) in 1845, and it is certain that, excluding a few years of enthusiasm about sugar when, under the stimulus of higher prices, sugar was quite extensively cultivated in districts more suited to cotton (such as West Feliciana Parish), the state greatly increased her cotton production as the more northerly parishes

became settled. Concordia alone, for example, after 1850, had several planters whose yearly crop was between two and three thousand bales.

In regard to the cultivation of sugar we have a clearer and more definite history. Up to 1825 the varieties of cane planted in Louisiana had not been satisfactory because not able to resist cold. But in that year the hardier ribbon cane, first experimented with by Mr. Jean Joseph Coiron at Terre-aux-Boeufs about 1817, was extensively planted, and proved to be far more satisfactory than the Creole or Malabar cane. The remainder of the story can best be told in extracts from an article by one of the most energetic and intelligent of the pioneers in sugar culture, E. J. Forstall (DeBow, *Southern States,* III, 275): "The statistics from 1803 to 1817 are so deficient that it is extremely difficult to arrive at any correct data as to the progressive annual increase of the sugar crop during the above period. The crop in 1818 had attained 25,000 hogsheads (the hogshead averaged 1,000 lbs.). Cattle was the only power used up to that period. In 1822 steam power was introduced; the first engines and mills cost about $12,000, and were chiefly imported by Gordon and Forstall. This power, however, was used but by very few, until our own foundries placed it within the reach of all, by reducing its cost to $5,000 or $6,000." In 1830-31 Gordon and Forstall, Valcour Aime, and others, introduced the vacuum pan process to replace the wasteful open kettle process, and their experiments proved that Louisiana sugar could be refined to as good a grade as any other. The effect of these improvements, even in the face of a lowering of the tariff, can best be seen in the following figures from Mr. Forstall's article: In 1822 the crop amounted to 30,000 hhds.; 1825-26, 45,000; 1826-27, 71,000;

1828-29, 48,000; 1834-35, 110,000; 1839-40, 119,947; 1844-45, 204,913.

Mr. Forstall estimates that there were 308 plantations in operation in 1827-28, with 21,000 slaves, 82 mills operated by steam, 226 by horse power. In 1830-31 there were 691 plantations, 36,000 slaves, 282 steam engines and 409 horse-power mills; in 1843-44, 762 plantations, 50,670 slaves, and 410 cotton plantations were preparing to plant cane, under the impetus of the tariff of 1842. At the time of his writing, sugar was extensively cultivated in nineteen parishes, and the industry was being extended to Rapides, Avoyelles, Concordia, Catahoula and Calcasieu. From later estimates we learn that twenty-four parishes produced sugar in 1849; there were 1,536 sugar houses, of which 865 were operated by steam, and the product was 247,923 hhds. of sugar. Though it soon became apparent that the true sugar belt hardly extended north of Baton Rouge, and that both soil and climate were unsuited to cane in some of the parishes where cane had been introduced, the industry continued to flourish, with improved machinery and better methods of cultivation, until the last year of the old régime, 1861-62, saw the largest crop ever made, 459,410 hhds., valued at over $25,000,000. And it is significant of the tendency to concentration that the sugar was produced in a smaller number of sugar houses than in 1849. The economy of the large refinery with improved machinery over the old-fashioned mill was established, and in this last year of work under slavery the direction in which sugar culture was to develop under free labor was indicated.

Slavery.

For all forms of agriculture, and indeed for most kinds of labor, conditions in Louisiana of the olden

days were determined by the institution of slavery. It seems to the present writer that this is no place to undertake a formal recital of well-known facts in regard to slavery, even if space permitted. But we must at least call attention to the increase of slavery in the state. In 1810 there were 34,000 slaves and 7,000 free negroes, forming together more than half of the population; by 1820 there had been a slight gain of whites over slaves, but the whites were still outnumbered by the total negro population; by 1830 the effects of the agricultural expansion discussed above are noticeable; the slaves greatly outnumbered the whites, or, putting it in round numbers, where there has been an increase of but sixteen thousand in the whites, we find forty thousand in the slaves. From this time on there was an improvement in conditions, for though the number of slaves continued to increase, the whites increased more rapidly, until in 1850 the whites at last outnumbered the slaves, and in 1860 outnumbered both slaves and free negroes.

Slavery had been accepted in Louisiana as one of the things that always had been and always would be. There does not seem to have been at any time any extensive sentiment in favor of emancipation, such as marked even Virginia prior to 1800. It is notable, however, that many individuals among the slaves were emancipated, and that for many years there continued to be a marked increase in the number of free negroes; thus the ten thousand of 1820 had risen to sixteen thousand in 1830 and to twenty-five thousand in 1840. Here, under the reaction from the abolition excitement, the liberal policy in regard to free negroes receives a fatal check; not only is emancipation less common, but more care is taken to guard against the influx of free negroes from other states and from abroad, and but seven-

teen thousand free negroes are reported in 1850. While it would be idle to pretend that there was any likelihood that the people of Louisiana would ever have advocated wholesale emancipation, it seems worth mention that, even after 1840, the rights of free negroes were carefully regarded (see even Olmsted, pp. 633, 636, 637, etc.), and the actual number, as well as the proportion of free negroes, was much greater in Louisiana than in neighboring states. For example, the census of 1850 reports, in round numbers, 17,000 in Louisiana, 9,000 in Mississippi, and 2,000 in Alabama, out of total populations, respectively, of five hundred thousand, six hundred thousand and seven hundred thousand.

From time to time at the beginning of the rapid increase of slavery, we note indications of a desire to check it. But we should remark that this does not indicate any hostility to slavery as such, but a fear lest, with the preponderance of blacks, Louisiana should suffer the fate of Hispaniola—a fate vividly present to a people who had, in the one year of 1810, received nearly six thousand refugees from that unhappy island (Martin, p. 346). Of such a nature is the discussion in the Governor's Message and in the legislature of 1826, with the futile act prohibiting "the bringing of any slave into the state merely for the purpose of sale" (Martin, *Condon's Annals,* p. 424). And the fears of thoughtful Louisianians are again expressed in the message of Acting-Governor Dupré, 1831: "The annual supply is gradually pouring in, and scarce a ship arrives from the slaveholding states that does not come freighted with a living cargo of vice and crime, to be disgorged upon our shores and incorporated into our domestic establishments." Deprecating the dangerous increase in slave population, however, is a very different thing from desiring the abolition of slavery.

And as the years passed peacefully in Louisiana, with no disturbance of any moment at all among the slaves, with a white population not only increased but better organized against possible slave insurrection, and with greater wealth invested in slaves and produced by their labor, the tone of the press and of the public men becomes assured: slavery is not a danger to the continuance of white supremacy, though emancipation would be; the economic conditions in the state demand the existence of slavery. Leaving out of consideration the ordinary arguments in favor of slavery as a natural condition recognized by the law of God and the law of nations, as a positive benefit to the negro, it would be easy to accumulate a great mass of matter from the press, from the debates in the legislature and in the constitutional conventions, from periodicals such as DeBow's *Review,* to show that behind all other arguments lay the economic argument. And though it may be easy to demonstrate what some planters clearly perceived, that slave labor was expensive and inefficient, the planters were face to face with facts, not with theories. Though it may be that an increased white immigration would have followed the elimination of slavery, it is extremely doubtful if that immigration would have sufficed to supply the demand for labor to develop the resources of the state as rapidly as they were being developed. Ultimately, the negro population, whether slave or free, could not prove other than a detriment; immediately, it was the only apparent labor supply, the source of the wealth of the state; and it was fondly hoped, by a people who blinded themselves to the progress of the greater world, that slavery might justify its continued existence.

With regard to the treatment of slaves in Louisiana, there were severe laws for the regulation of

slaves, but both laws and public opinion provided protection for the slave against ill treatment. Statutes that were pretty well enforced regulated the rations, the clothing, the quarters, the labor of slaves. And though it may be easily shown that the legal ration was far less varied than that the free laborer demanded, it was wholesome and sufficient, and it was generally very freely supplemented. On most plantations the slaves were allowed either to have garden patches of their own, or there was a garden and orchard to supply vegetables and fruits, and a herd of cattle to supply occasional rations of fresh meat. The typical quarters of fifty years ago were, I venture to say, more comfortable and more sanitary than the typical cabin of to-day. And the dependent classes, children, old and sick negroes, were more carefully provided for. Occasional acts of barbarity on the part of owners or overseers undoubtedly occurred; but that cruelty was the exception rather than the rule is indicated by the often noted docility and faithfulness of the slaves when the absence of the masters during the war left women and children at their mercy, and by the popular indignation that marked any case of flagrant cruelty. Upon this last point, one may recall the riot in New Orleans, in 1834, when a certain Mme. Lalaurie barely escaped from the mob after the discovery of her inhuman cruelty to her slaves. So violent was the feeling that the woman fled from the state.

Among the planters, the merchants and professional men of New Orleans, the scale of living was extravagant: slavery fostered a lordly manner. The cafés, the clubs, the theatres, the stores of the one city of the state the centre of its life, were patronized by a prodigal and a cultured people fond of pleasure and of relaxation. There was more read-

ing of standard literature in those days among business men, as well as among planters, than there is now, in the day of cheap magazines. And yet it is the conviction of the writer that too much roseate nonsense has been indulged about life on the plantation or in the city in the ante-bellum days. Neither the planter nor the factor nor the lawyer led a life of idle ease and pleasure; they were workers, whose energy built up the state; they lived often rather in rude profusion than in luxury.

The period between 1812 and 1861 is emphatically a period of agricultural and commercial development. We have therefore devoted the greater part of this article to these matters. But in the political history of the state there are also a few events of such significance that we cannot pass them by unnoticed.

War of 1812 in Louisiana.

Louisiana had hardly taken her name among the states before news arrived in New Orleans, at that time the capital, that the Union was at war with Great Britain. The scene of war in the first two years was too remote to involve the state, though great interest was taken in its progress. Preparations for the organization of troops were, however, undertaken, and in this matter, as well as in all others, the Creole population showed an energy and a spirit of patriotism that ought to have guarded them from any suspicion. The people of the state were most immediately concerned in the attempt to break up the gang of so-called pirates at Barataria, commanded by Jean Lafitte. Governor Claiborne besought the legislature for a force adequate to cope with Lafitte, and put a price on Lafitte's head. The audacious freebooter retaliated by offering thirty times the reward for Claiborne's head. Pierre Lafitte was arrested and confined in New Or-

leans, but his brother was beyond the reach of the governor. Thus matters stood when the first news of the intention of the British to attack Louisiana came through Jean Lafitte.

On Sept. 2, 1814, a British brig anchored off Barataria, and Captain Lockyer had an interview with Lafitte, proposing service under the British with the rank of captain and thirty thousand dollars, and showing him a proclamation of the English Colonel Nicholls that was intended to win the support of the Creoles. The crafty Lafitte asked for a few days to consider the matter, wrote to Mr. Blanque, of the legislature, and enclosed the papers given him by the British, protesting his loyalty to the state. Lafitte's warning was heeded, but the expedition then fitting out against the Baratarians was allowed to proceed, several of the pirates were captured and brought to New Orleans, but Lafitte himself escaped.

Meanwhile Andrew Jackson had been named to take charge of the defense of Louisiana, and the British had been repulsed in an attack on Fort Bowyer, Mobile Point (Sept. 14-15, 1814). Jackson captured Pensacola in spite of its being a Spanish town—he was never over-nice in his "distinction of enemies"—and hurried to New Orleans (December 2) to make ready for the British. A fortnight after his arrival the British had overpowered, after stubborn resistance, a small flotilla of gunboats in Lake Borgne (December 13), thus enabling them to land their army without opposition. As yet there was no certainty regarding the number of the British forces, but it was known that they probably outnumbered any force that Jackson could immediately oppose to them.

Jackson displayed characteristic energy in fortifying the many approaches to the city from the rear,

and was heartily aided by the people. He declared martial law in New Orleans on December 16, and sent urgent orders to Generals Coffee, Carroll and Thomas to hurry to the city with their troops. On the night of December 22 the British, with a force of sixteen hundred men, surprised a picket at the mouth of Bayou Bienvenu, advanced up that bayou and the Villeré canal communicating with one of its branches, and emerged on the plantation of General Villeré, commander of the state militia, on the morning of the 23d. At Villeré's house they captured a company of militia, but Major Villeré, a son of the general, escaped by leaping out of a window. With a neighboring planter, Colonel De La Ronde, he crossed the river, rode hastily up the west bank and reached New Orleans to announce the attack by the British. (Fortier, Vol. III., p. 110.)

It was about half-past one o'clock when this news reached Jackson, but he determined to attack at once. Leaving Governor Claiborne with four regiments of state militia to guard against a possible attack from the direction of Gentilly, he collected his motley but enthusiastic force, consisting of Tennessee riflemen under Coffee, dragoons from Mississippi, the Orleans Rifles, Plauché's battalion of militia, Daquin's two hundred free men of color, Baker's Forty-fourth Regiment, and eighteen Choctaw Indians, in all amounting to 2,131 men. The armed schooner *Carolina,* under Commodore Patterson, was ordered to drop down the river and take position opposite the British lines, while Jackson marched toward the now historic field, some six miles below the city. The *Carolina* arrived at her station and opened fire about half-past seven o'clock in the evening, and Jackson vigorously attacked the enemy soon after. The British had increased their force to about forty-five hundred men. But they

were not prepared for Jackson's bold onslaught, and they overestimated the force at his disposal. After a sharp fight they fell back to their camp, and Jackson, seeing that the darkness was too great, retired to the De La Ronde plantation. The British had lost 305 men in killed, wounded and prisoners, while the Americans lost 213.

It is unquestionable that this battle probably did as much to save New Orleans as the greater battle that was to follow. Jackson had not only warded off an attack that would have found him unprepared, but he had tested his own troops and had inspired the enemy with an extra amount of caution when boldness on their part might have captured the city.

On the following day Jackson fell back to the Rodriguez Canal, about two miles above the field of the first battle, entrenched himself there and awaited reënforcements. On Christmas day Gen. Sir Edward Pakenham arrived and took command of the British forces, which had been increased to five thousand, and were soon augmented to eight thousand, most of them the very flower of the British army. On the 27th his batteries set fire to the *Carolina,* but the Americans towed the *Louisiana* out of danger. On the 28th there was a sharp skirmish, in which excellent service was rendered by the company of Baratarian artillery under command of Dominique You. After this there was comparative inaction until January 8, while Jackson continued to strengthen his position and to collect reenforcements.

His line, extending about half a mile, from the river to the swamp was defended by a water-filled ditch, and by a parapet of varying height and thickness. The idea that it was built of cotton bales is an absurd fiction that brings back the inspiring picture in Peter Parley's old history of our childhood

days; the thick Louisiana mud was far more effective than a rope-fastened cotton bale. On this line Jackson had planted eight batteries, with thirteen cannon. In the river lay the *Louisiana,* and on the opposite bank Commodore Patterson had planted three guns to harass the British flank. To defend his line Jackson had about four thousand men, a part of his available forces being detached to serve under General Morgan on the right bank of the river, and others to establish lines in his rear. The utmost prudence had been displayed in preparation; every little help that could be got was utilized, including the service of Lafitte and his Baratarians, whose offenses were wisely overlooked for the present, and all was ready for the bold defense that Jackson knew so well how to inspire in his men.

We will not here recite the story of this amazing battle, in which Creole and Tennesseean and pirate and free negro won an almost bloodless victory over troops that Wellington had led. Before daylight on January 8, the rockets from the British line announced the attack. On came the splendid columns in the dim light. Before nine o'clock the battle was over. General Pakenham was killed in a charge, General Gibbs was mortally and General Keane severely wounded; the British had lost two thousand and thirty-six. The American loss, on both sides of the river, was seventy-one; in the main battle along that fatal parapet, seven killed and six wounded.

The aftermath of the great victory is less pleasing, with Jackson engaging in a petty quarrel and being fined by Judge Hall. But it should be remembered that in his official reports and public expressions, then and long afterward, he was just and generous in praise for those who had helped him to win the victory. It should also be remembered that, though the battle on the plains of Chalmette was

THE BATTLE OF NEW ORLEANS.

fought after the treaty of peace between Great Britain and the United States had been signed, it was useful to the nation, and to the state of Louisiana in particular, because it was convincing proof that the mixed population of the state could be depended upon.

After this great event the annals of Louisiana seem of small general interest. In the thirty years intervening before the next war, the men of peace were building up the state, New Orleans was becoming a great city, second in commercial importance only to New York. The French population in 1815 had supplied most of the leaders. For some years the great Creole names still deserve the first place: Villeré, Forstall, Valcour Aime, Mazureau, Roman, Poydras, Martin, Gayarré—these and others might be mentioned as conspicuous leaders in commerce, agriculture, politics, law and letters. But as the middle of the century approached the preponderance of the new American population began to count, and the leaders in politics and law and commerce are such men as Benjamin, Slidell, Pearce, Peters, DeBow, McDonogh, Robb, Walker, Randell Hunt, Wickliffe and Moore.

Part in War With Mexico.

The war with Mexico naturally aroused the martial ardor of Louisiana, and there were over forty-eight hundred volunteers from Louisiana by June, 1846. And though the volunteer troops from Louisiana were denied the privilege of sharing in any of Taylor's great victories, Louisiana troops served with credit under Scott; and Louisianians took pride in "Old Rough-and-Ready" himself, and in many soldiers who were to win laurels in a sterner conflict, such as "a little more grape, Captain Bragg," and P. G. T. Beauregard.

Secession.

But the easy victory over unfortunate Mexico could not distract for long the attention of the people from the increasing bitterness of the contest over slavery. As the critical year approached the attitude of the press and the people became more clearly defined. One should say the attitudes, for there were two clearly marked and almost equal parties in the state. The political leaders, such as Benjamin, realized the gravity of the crisis, and were for the most part fairly moderate in tone, though uncompromising in their determination to uphold the rights of the state. A large proportion of the older citizens, especially the men of wealth, were sincerely attached to the Union, and abhorred secession as deeply as did the legislature of 1830, with its resolution "that nullification and secession are essentially revolutionary measure" (Fortier, Vol. III., p. 222). These men were the heirs of the old Whig party, and the strength of the sentiment represented by them was shown when, South Carolina having seceded, Governor Moore ordered an election for a convention to meet in January, 1861.

In the presidential election the vote of Louisiana had stood Breckinridge, 22,681; Bell, 20,204; Douglas, 7,625—with none, of course, for the "Black Republican." In spite of the efforts of the extremists, in spite of the contagious enthusiasm engendered by South Carolina's action and by the course of events in neighboring states, the vote for the convention, Jan. 7, 1861, showed no overwhelming majority for secession: 20,448 votes for "southern rights" candidates, and 17,296 for candidates favoring various other policies. If there had not been so many "various policies," if the conservatives had been able to propose any concerted action that would have promised safe guidance for the state in this perilous

time, the result might have been different. But in truth, regret it as we may, there was no safe alternative offered to Louisiana; she must have cast in her lot with the other slave states.

Accordingly, when the convention met at Baton Rouge, Jan. 23, 1861, the time for argument had passed. The majority of the members regarded themselves as acting under a direct mandate from the people. It was their business to carry out that mandate. Those who infer that this body was a rabble of fire-eaters are vastly in error. The presiding officer was the venerable ex-Gov. Alexandre Mouton, not a secessionist of irreconcilable malignity, but a sane, dignified and conservative man. And among the members one finds such men as ex-Gov. A. B. Roman, Christian Roselius, E. G. W. Butler, Louis Bush, J. B. Wilkinson, T. J. Semmes, etc., of the best that the state could furnish. They went about their work with a full sense of the responsibility they were incurring, but with the conviction that the safety and the honor of their state demanded secession. On the fourth day of their session the "Ordinance to dissolve the union between the State of Louisiana and other states united with her under the compact entitled 'The Constitution of the United States of America'" was reported by John Perkins, Jr., of Madison. It passed by a vote of 112 yeas to 17 nays. The die was cast. When the ordinance was signed, 121 delegates cast in their lot with the state and affixed their names to the ordinance.

A state flag, not the present pelican, was adopted on February 11, and the "Independent Commonwealth of Louisiana" continued a lone star until March 21, when the convention ratified the Provisional Constitution of the Confederate States. On

March 26 the convention adjourned, and the rest is the story of a brave struggle in a hopeless cause.

Bibliography.—The extensive and valuable work of Professor Alcée Fortier, *History of Louisiana*, together with the works of Gayarré, of Martin, of Phelps, and of Miss King and John R. Ficklen, furnish the indispensable bases for any sketch of Louisiana. For statistical information especially, DeBow's *Review* is indispensable; and much valuable matter may be gleaned also from P. Champomier's *Statement of Sugar Crops made in Louisiana*, 1850-1861, from contemporary directories of New Orleans, Census reports, Journals of the Legislature, etc.

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Chapter IV.

LOUISIANA DURING THE WAR BETWEEN THE STATES AND THE RECONSTRUCTION, 1861-1877.

The War in Louisiana.

That the people of Louisiana were not overwhelmingly in favor of secession was shown by the events of the winter of 1860-61. At the presidential election in November, 1860, the vote was: Breckinridge, 22,681; Bell, 20,204; Douglas, 7,625. Upon learning the result of the election, Governor Moore called the legislature in special session, and that body ordered a constitutional convention to meet in January, 1861, at Baton Rouge. The vote for delegates to the convention showed that the people were divided about as follows: for immediate, separate secession, 20,448; for united action of the South, 17,296. The convention which met January 23, passed, three days later, an ordinance of secession by a vote of 113 to 17. The military posts and arsenals in the state

were seized and occupied, and for nearly two months the "Republic of Louisiana" had control of all its own affairs. On March 21 the convention ratified the Confederate Constitution and Louisiana became one of the Confederate States. To the service of the Confederacy the state contributed some leaders of signal ability, among them Benjamin, Slidell, Roman and Kenner of the civilians, and Beauregard, Polk, Bragg and Taylor of the army. And until cut off from the rest of the Confederacy by the opening of the Mississippi, Louisiana sent more than its quota of troops to guard the upper frontier of the South.

During the first year the war fever ran high. All were united, it seemed, against a common foe. The parishes made appropriations for the support and pay of their soldiers; the city of New Orleans spent all its available funds to aid in the mustering of troops, and all over the state private individuals made generous contributions to aid the movement. There was for a year but little thought of danger from invasion. True, the coast was blockaded and the commerce of New Orleans was destroyed, but the eyes of most Louisianians were turned to the Virginia frontier. The troops raised in the state were rapidly sent out, and by November, 1861, 24,000 had gone, while nearly 30,000 more were being assembled and organized.

The proper defense of Louisiana was neglected by both the Confederate and the state governments. Vicksburg was relied upon to hold the upper gateway of the Mississippi, while Forts Jackson and St. Philip, on opposite sides of the Mississippi River, seventy-five miles below New Orleans, with some batteries at Chalmette, guarded the lower part of the state. General Lovell, with 3,000 militia, was in command at New Orleans, and a fleet of seventeen light vessels lay on the river.

The Federals planned from the first to open the Mississippi River, capture New Orleans, and thus cut the Confederacy in two. New Orleans was the most important city in the South; it controlled the lower Mississippi and it was the crossing point for supplies from the West; it also contained stores, factories, shipyards and arsenals belonging to the Confederate government. The capture of the city was planned during the winter of 1861, and in April, 1862, Admiral Farragut entered the mouth of the Mississippi with forty-three vessels carrying 302 guns. On April 19 he appeared below Forts Jackson and St. Philip, and began a bombardment which lasted four days. Across the river between the forts were placed obstructions bound together with chains, to prevent the passage of hostile vessels. Farragut sent a gunboat to break the chain and then ran his fleet past the forts, destroyed the weak Confederate fleet and steamed up to New Orleans.

Hearing that the Federal fleet had passed the forts, General Lovell destroyed the government supplies which consisted of cotton, tobacco, sugar, boats, etc., and prepared to evacuate New Orleans, which could not be defended against a bombardment. On April 26 Farragut's fleet appeared before the city. The river was high and his guns commanded every part. To a demand for the surrender of the city, Monroe, the mayor, answered that he had no military authority and hence could not comply. Farragut threatened to bombard the city, but refrained when he learned that the forts below had surrendered to Commodore D. D. Porter. The transports came up with an army of 15,000 men under Gen. B. F. Butler, and on May 1 the city was turned over to him. The loss of New Orleans was a severe blow to the Confederacy. The place now served as a starting point for other Federal expeditions, and it was only a mat-

NEW ORLEANS HARBOR IN 1861.

ter of a short time until the whole river would be opened.

Butler's rule of the conquered city is still bitterly remembered. He made use of every conceivable means of humiliating the white people left in his power. He displaced at once the local officials and ruled by martial law. The property of Confederates was confiscated and sold, often to the profit of Butler's friends; heavy assessments were levied upon Confederate sympathizers; hundreds of spies were employed to watch the more important citizens and to locate property that had been hidden; men and women were arrested and sent to Ship Island under negro guards—one man, William B. Munford, was hanged because he had taken down a United States flag raised in New Orleans before the surrender. Butler disarmed the inhabitants and forced 60,000 to take the oath of allegiance to the United States. He practically destroyed slavery in the city by encouraging the slaves to leave their masters, by enlisting them into the army and by issuing supplies to them. He and his brother were interested in the contraband trade in cotton, cattle and supplies which was carried on between New Orleans and the districts held by the Confederates, and both made fortunes while in Louisiana. Butler became involved in a controversy with the foreign consuls in New Orleans, from one of whom he had taken a large amount of coin. After investigation, President Lincoln ordered Butler to restore it.

But General Butler was, and still is, hated most for his famous Order No. 28, which read as follows:

"As the officers and soldiers of the United States have been subject to repeated insults from the women (calling themselves ladies) of New Orleans, in return for the most scrupulous non-interference and courtesy on our part, it is ordered that hereafter when any female shall by word, gesture or movement, insult or show contempt for any officer or soldier of the United States she shall be regarded and held liable to be treated as a woman of the town plying her avocation."

The order aroused indignation not only in the South but in the North and abroad. But it is only typical of Butler's general attitude toward the people under his rule. Much to the relief of all he was superseded in December, 1862, by Gen. N. P. Banks.

Butler was no general and accomplished little toward occupying other parts of the state. Admiral Farragut went up the river, captured Baton Rouge, the capital, bombarded and burned Bayou Sara, and ran past the batteries of Vicksburg. The Confederates were anxious to regain Baton Rouge in order to be able to get supplies down the Red River and across the Mississippi. On Aug. 5, 1862, Gen. John C. Breckinridge, with 3,000 men from Vicksburg, attacked the Federal garrison at Baton Rouge under General Williams. It was expected that the ironclad *Arkansas* would come down from Vicksburg to aid in the attack, but her engines gave out, and a few miles above Baton Rouge she was fired and abandoned by her crew. Breckinridge drove the Federals to the river under cover of their gunboats, but owing to the loss of the *Arkansas* was obliged to retire. The Confederates now, in order to secure the supplies that came down the Red River, fortified Port Hudson above Baton Rouge.

After the fall of the state capital, Governor Moore established his government at Opelousas and began to raise a small army. Gen. Richard Taylor, son of Gen. Zachary Taylor, was sent from the Virginia army to command the Confederate troops in Louisiana. He raised a small but very good army, and during the rest of the time held the Federals in check along the Têche and the Atchafalaya.

Hostilities in 1863 were confined to that part of the state below Alexandria along the Red River and along the Têche. Banks made little headway against the inferior forces of the Confederates. In March,

1863, the Trans-Mississippi Department, embracing all of the Confederacy west of the Mississippi, was organized, and Gen. E. Kirby Smith was placed in command with headquarters at Shreveport, which had been made the capital of Louisiana. Taylor acted under his command. Banks first massed 25,000 men at Baton Rouge as if for an attack on Port Hudson, but in April this force was transferred to the Têche country and the Federals started for the interior of the state. Taylor, with his small force, could only fight and fall back. There were engagements at Bisland, Opelousas, New Iberia and Bayou Vermilion, and on May 1 the Federals finally reached Alexandria by land and river. Taylor was then ordered to send 4,000 men to Vicksburg, so with the remainder he fell back and ceased operations. In June, Banks left Alexandria and carried his forces to besiege Port Hudson, which, after withstanding the bombardments by the fleet and repelling two assaults by the army, was surrendered on July 9. Vicksburg had fallen on July 4, and the Mississippi was now open and the Confederacy cut in two.

While Banks was before Port Hudson General Taylor made use of the opportunity to drive the Federals out of southern Louisiana. During the month of June he regained the territory almost to New Orleans, and was planning an attack on the city when he heard of the fall of Vicksburg and Port Hudson. During the remainder of 1863 Taylor carried on the usual defensive campaign along the Têche. The year ended with all of the state under Confederate control with the exception of New Orleans, the banks of the Mississippi and the country between Berwick Bay and New Orleans.

In 1864 the Federals began a fourth campaign into the interior of the state. Commodore Porter with seventeen vessels, and Gen. A. J. Smith with 10,000

men went up Red River; General Franklin with 18,000 men marched up the Têche; General Steele with an army of 7,000 moved down from Arkansas upon Shreveport. Taylor, who had been slowly falling back with 8,800 men under Generals Mouton, Thomas, Green and Prince Polignac, stopped at Mansfield for battle. Taylor's troops, though greatly outnumbered, were eager to fight, and Bank's army was defeated in detail. Taylor pursued the Federals four miles to Pleasant Hill, where the next day a drawn battle was fought and Banks made a disorderly retreat down the Red River. Taylor wanted to pursue Banks and destroy his army, but Kirby Smith, who feared Steele's column which was coming down from Arkansas, diverted some of Taylor's troops to go against Steele. Banks continued to retreat down the Red River, laying waste the country as he went. Taylor's small forces harassed him and cut off many of his men. On May 20 he reached the Mississippi and the pursuit ceased. At no time had the pursuing force been one-third as large as the Federal army. Taylor, who had not agreed with Smith as to the conduct of the campaign, asked to be transferred east of the Mississippi; the Federals withdrew to New Orleans and the war in Louisiana was ended.

Reconstruction During the War.

The political history of Confederate Louisiana during the war was almost insignificant. Governor Moore, after the fall of Baton Rouge, moved the capital first to Opelousas and then to Shreveport, and from Shreveport he administered the government until the end of 1863. In January, 1864, he was succeeded by Henry W. Allen who proved to be a most successful war governor. He enlisted men, gathered and distributed supplies, began manu-

factures, and above all put heart into the people. Both governors worked in harmony with the Confederate administration, civil and military.

The political history of that part of the state held by the Federals is important because it illustrates the beginnings of "Reconstruction." While under Butler's administration martial law ruled, yet there were signs of the coming reconstruction. The port of New Orleans was opened to commerce; slaves were practically emancipated by being enlisted into regiments or by being allowed to leave their masters and choose employers; in September Butler ordered all citizens to take the oath of allegiance, and proceeded to confiscate the property of Confederates and their sympathizers. In June, 1862, Provost Courts were established, and, in August, Gen. George F. Shepley was made military governor. He revived three of the Civil District Courts in the city and confined the work of the Provost Court to criminal cases. In December Shepley ordered that an election for members of Congress be held. B. F. Flanders was chosen to represent the first district, and Michael Hahn the second. Only those who had taken the oath were allowed to vote. Flanders and Hahn were allowed seats in Congress, but their terms expired on March 4, 1863.

In December, 1862, a provisional court of unlimited jurisdiction appointed by President Lincoln was organized in New Orleans. Charles A. Peabody was the judge, and he and the other officials were Northern men. Peabody also took charge of the provost courts. The Federal circuit and district courts were opened. In April, 1863, the Supreme Court of the state was reorganized with Peabody as chief justice. Then followed the establishment of a criminal court, a probate court, recorders' courts, and a few parish courts near New Orleans. Thus by the end of 1863

the judicial system was reorganized in New Orleans, though by the military appointment of outsiders, who were subject to military control.

Political reconstruction was not so successful. During the Butler régime the elements of a radical Republican party gathered in New Orleans and "Union Associations" were formed. The men composing the "reconstruction" party in New Orleans during the war were, in general, of contemptible character. They were adventurers from the North, turncoats, and a very few genuine unionists. The first form of organization was the Free State General Committee which, in January, 1863, announced as its principles that the state constitution was destroyed by the war, and that a general convention should be held to make a new one. T. J. Durant was the leader of the most radical section.

In June, 1863, a more conservative movement began. The radicals, led by Durant, favored negro suffrage, and were upheld by General Shepley. Banks wanted the mulattoes only to be given the right to vote at first, and favored the more conservative party which maintained that the state government was simply suspended and that it should be revived, not reorganized, by a new constitution. Little was done in 1863 for two reasons: first, Lincoln's Emancipation Proclamation did not affect the slaves of New Orleans and the adjoining parishes, and hence the radicals could not use them in their scheme of voting; second, Banks was unable to extend his lines and enlarge the territory held by the Federals. However, Shepley registered the voters in New Orleans, and in November, 1863, the conservative faction elected two members of Congress who were not admitted to seats. The negroes of the city held mass-meetings and demanded political privileges.

Economic reconstruction, like judicial reorganization, made more progress in 1863 than political reconstruction. Banks, like Butler, enlisted negroes into the army, but his main purpose was to make them work on the plantations. He established a Free Labor Bureau and gave it control over the black laborers. Written contracts were required and wages were paid in all cases; the laborers were held strictly to work; schools for negro children, and a Free Labor Bank were established. Banks's plan for the negroes resulted in no financial success for the planters, but it did keep the negroes from loafing about the city and prevented disease and destitution.

In 1864 reconstruction began in earnest. Lincoln's proclamation of Dec. 8, 1863, favored the plans of the more conservative faction in New Orleans and displeased the radicals. In January, 1864, the Free State Committee held a nomination meeting, which split up into two factions. The majority went with the so-called moderates and nominated Michael Hahn for governor and J. Madison Wells for lieutenant-governor. The radicals, the "Free State" party, nominated B. F. Flanders, and the independent conservatives nominated J. Q. Fellows, who stood for "the rights of all, the Constitution and the Union." The vote resulted: for Hahn, 3,625; for Fellows, 1,139; for Flanders, 1,007. Hahn was by birth a Bavarian, and had been in Congress from Louisiana for one month in 1862. He was inaugurated March 4, 1864, and on March 15, Lincoln conferred upon him the powers formerly exercised by the military governor. On March 28 an election was held in southeast Louisiana for delegates to a constitutional convention, which met in April and drafted a new constitution for the state. The members of the convention were not in favor of negro suffrage, and were unwilling to grant even the lim-

ited suffrage suggested by Lincoln in a letter to Hahn—to negroes who owned property, or who had been soldiers. However, the legislature was authorized to extend the suffrage if it saw fit. Banks later explained that the limited suffrage failed because of the opposition of those who wanted all or nothing. Slavery was abolished and public education provided for. In September, 1864, the constitution was ratified by a vote of 4,664 to 789. This was less than the 10 per centum vote desired by Lincoln, and shows how little popular support the reconstruction had.

Durant and the extreme radicals carried on constant opposition to the Hahn administration. Lincoln's proclamation of July 8, 1864, a sort of reply to the Wade-Davis bill, indicated his purpose to stand by the reconstruction establishments in Arkansas, Tennessee and Louisiana, but Congress refused to admit the Louisiana representatives elected in September, 1864. The legislature met in October and elected Hahn and R. King Cutler to the United States Senate. The bitterest partisan spirit was manifested by the governor and the legislature, and the law officers of the state were directed to prosecute the leading Confederates under charges of perjury and treason. Seven presidential electors were chosen by the legislature, but their ballots, cast for Lincoln, were rejected by Congress in 1865. Hahn, elected senator, resigned the governorship on March 4, 1865, and was succeeded by J. Madison Wells, the lieutenant-governor.

Reconstruction Under President Johnson, 1865-1867.

The surrender of the Confederate armies east of the Mississippi did not necessarily embarrass at once the forces of the Trans-Mississippi Department, which could easily retire before the Federals. Some leaders planned to continue resistance, hoping to get

the aid of France; others proposed to take the Confederate forces into Mexico and join Maximilian. Governor Allen, convinced that there was no hope, insisted that the Trans-Mississippi Department be surrendered. A convention of the Confederate governors of Louisiana, Arkansas, Texas and Missouri was held at Marshall, Texas, and advised Kirby Smith to surrender the Department, which was done on May 26.

On June 2 Governor Allen issued a farewell address to the people of Louisiana. He advised them to accept defeat with good grace, take the oath of allegiance, go to work and win back prosperity. To escape imprisonment he then went into exile and died a year later in the City of Mexico. The whole state now came under the control of the Federals and the Wells state government, and the reconstruction period had really begun.

Conditions in Louisiana at the beginning of reconstruction were better than in some other Southern states. With the exception of the Mississippi and Red River valleys and the country south of Alexandria there had been no wholesale devastation by the Federals, while whole regions of the state had not been touched by them. Banks's experiments with free negro labor had resulted in some valuable experience for Louisiana planters. The courts and the state government, reorganized in and around New Orleans during the war, were rapidly extended over the state. The loss of property had been immense, and in North Louisiana there was much destitution and resulting suffering. The negroes outside of New Orleans, freed by the surrender, left the plantations to wander about. The canals, levees, steamboats, railways and roads had gone to ruin. Plantations were going back to forest. To such conditions the Confederate soldier returned.

When President Johnson inaugurated his work of restoration he merely continued the government he found in Louisiana. So Governor Wells extended the system turned over to him by Governor Hahn. The President's amnesty proclamation of May 29, while proscribing the leaders, allowed the majority of the Confederates to participate in the government. Throughout the summer of 1865 Wells continued his work of reorganizing the state government. People began to settle down to their old habits of life and work. Slowly society righted itself and the future seemed hopeful. The relatively small number of radical agitators was almost lost sight of after the return of the Confederates.

The military authorities, the Freedmen's Bureau, and the President himself treated the government of Louisiana as simply provisional, and frequently interfered with the civil officials. No Confederate was allowed to hold office who had not been pardoned by the President. The negroes soon came under the absolute control of the Freedmen's Bureau. An election of state officials and members of the legislature was held in November, 1865. Wells was a candidate for governor and was supported by a few of the former radicals and by most of the ex-Confederates who thought it best to elect a governor who had no Confederate record. There was a movement in favor of reëlecting Governor Allen, then in Mexico, who wanted to return to Louisiana, but who refused to be considered a candidate for any office. If he had consented to be a candidate he would have been elected, but some of the former Confederate leaders, knowing Allen's wishes, issued an address pointing out the unwisdom of such a course, and Governor Wells, who feared Allen as an opposing candidate, sent a lying message to him that it would not be safe for him to return to Louisiana—that

Johnson was unwilling. In the election Allen received 5,497 votes, and Wells 22,312. Albert Voorhies, a Democrat, was chosen lieutenant-governor, and the legislature had a large Democratic or Conservative majority. The election for members of Congress was also held at this time, and all of those elected were Democrats or Conservatives. The extreme radicals refused to take part in the election, but united with the negroes and elected Henry C. Warmoth as delegate to Congress from the "Territory of Louisiana," as they called it.

The legislature was composed of able men; it was perhaps the ablest "Johnson" legislature that met in 1865. It ratified the Thirteenth amendment and elected Randall Hunt and Henry Boyce to the United States Senate in place of Hahn and Cutter, who had been refused admission. A great majority of the whites regarded the constitution of 1864 as a fraudulent document, and the legislature recommended that it be submitted to the people to be voted upon. The legislature ordered an election of city officials in New Orleans which was still ruled by military appointees. Wells, who was about to go over to the radicals, vetoed the act, using rather violent language in regard to ante-bellum political conditions. The act was passed over his veto, the election was held and John T. Monroe, who had been removed in 1862 by General Butler, was elected mayor. The military authorities refused to allow him to serve until he was pardoned by the President.

Two parties in the state now favored a new constitution: the extreme radicals, who, after the Confederate majority secured control of the state government, wanted a fundamental law disfranchising the Confederates and granting suffrage to the blacks; and the Democrats or Conservatives, who disliked the so-called constitution of 1864, and

wanted it submitted for approval or disapproval of the people. A committee was sent to interview President Johnson, who opposed the holding of a new convention and the matter was dropped by the conservatives. The radicals continued to demand the exclusion of Confederates from citizenship.

As time went on Governor Wells became more and more radical and lost the support of those who had elected him. Lieutenant-Governor Voorhies was now looked upon as the real head of the state administration and the representative of the whites, and in political matters he so acted, he and Wells becoming rivals.

The Louisiana radicals, encouraged by the attitude of Congress and instigated by radical leaders in Washington, now planned a political revolution for the purpose of getting control of the state government. The convention of 1864, fearing that the constitution framed by it might not be adopted, did not dissolve *sine die,* but adjourned to meet at the call of its president. The adoption of the constitution rendered another meeting unnecessary and terminated the existence of the convention. Now, however, the extreme radicals called upon the former president, Judge Durell, to reconvene the convention. He refused, and on June 26 about twenty-five of the former members chose as chairman Judge R. K. Howell of the Supreme Court, who had been a member of the convention of 1864, but who had resigned before the convention adjourned. He accepted the position and issued a call for the convention of 1864 to reassemble on July 30, 1866, and asked Governor Wells to hold an election to fill vacancies. The latter did so, but named September 3 as the day for the election.

The radicals, now led by ex-Governor Hahn, met July 27 and agreed not to wait for the elections, but

to hold the convention on July 30 as first planned. Violent speeches were made for the purpose of rousing the negroes, who, in great numbers, flocked to the meeting. Dr. A. P. Dostie declared that the convention would be held or the streets of New Orleans would run with blood. Between July 27 and 30 the negroes of the city were organized and armed, and excited to the fighting point by radical speakers. The lieutenant-governor telegraphed to Johnson, asking whether the military officials would interfere if the courts should order the arrest of the members of the so-called convention, Judge Abell having stated in a charge to the grand jury that the convention was illegal. Johnson replied that the military would sustain the courts. General Baird, who commanded the troops in the absence of General Sheridan, was asked to station troops near the convention to prevent a conflict. Baird wired to Secretary Stanton for instructions, but received none. Stanton, it transpired later, knowing that trouble was threatened, deliberately withheld the matter from the President and left Baird without instructions. The courts declared the convention illegal, but Judge Abell was arrested by the United States commissioner because of his charge to the grand jury. Governor Wells did nothing in the crisis, though his sympathies were with the radicals. General Baird, at the request of Lieutenant-Governor Voorhies, agreed to station troops near the meeting place of the convention, but was misled by the radicals as to the time of meeting and the troops arrived too late.

Twenty-nine members met in Mechanics' Institute at twelve o'clock, July 30. Governor Wells, hearing that a riot was imminent, deserted his post and left the city. A procession of negroes marched to the convention hall with flags and music. In front of a building a negro fired a pistol into a crowd of

whites; the latter fell upon the procession and the riot began. The blacks fled into the convention hall and fired from windows and doors at the whites. The police came up at this time and joined in the attack on the blacks, who were still firing from the building. The whites broke into the hall and shot and beat and arrested the negroes and conventionists. Forty-four negroes and four whites were killed and one hundred and sixty-six wounded. The cause of the riot lay in the inflamed feelings of the whites, who believed that the radicals at home and in the North were planning to destroy their political liberty, to disfranchise them, and place them under the rule of the blacks.

The outbreak furnished valuable campaign material to the radicals. A congressional committee was sent to investigate. The majority report of this committee blamed the "rebels" and the President; the minority report held responsible the radicals, the incendiary proceedings of the conventionists and the trifling conduct of Governor Wells.

Governor Wells now allied himself openly with the extreme radicals, and issued proclamations and published addresses intended to further the plans of those who favored white disfranchisement and negro suffrage. He declared that the United States troops would have to be kept in the state in order to maintain order.

In December, 1866, the legislature met and remained in session until the passage of the Reconstruction Acts in March, 1867. Governor Wells, in his message, urged the legislature to ratify the proposed Fourteenth amendment and to provide for negro suffrage. The proposed amendment was rejected by a unanimous vote. The legislature discussed again the revision of the constitution of 1864, but nothing was done before the passage of

the Reconstruction Acts. Joint resolutions were adopted, instructing the attorney-general to test in the courts the constitutionality of the Reconstruction Acts, but Governor Wells vetoed the resolutions and assumed authority to proclaim them in force in Louisiana. An attempt was then made to impeach Wells on charges of embezzlement in 1840 and unwarranted exercise of authority in 1867. But General Sheridan at once assumed military control of the situation, and the Congressional plan of reconstruction was inaugurated.

Congressional Reconstruction, 1867-1868.

Under the Reconstruction Acts Louisiana became a part of the Fifth Military District commanded by Sheridan. Lieutenant-governor Voorhies made an attempt to secure the coöperation of other Southern states for the purpose of testing the Reconstruction Acts in the courts, but the attempt failed. The conservative leaders, such as General Beauregard and the members of the legislature, now advised the people to submit and make the best of the situation.

General Sheridan was a tyrannical ruler. For a while Governor Wells was retained in office, though subject in all respects to the military, but on June 3, 1867, Sheridan removed him as an "obstruction to reconstruction." Thomas J. Durant, the radical leader, refused the office and it was given to B. F. Flanders. Many other removals of civil officials were made; among those displaced were Attorney-General Herron, Mayor Monroe, Judge Abell, nearly all the city officials in New Orleans and some parish officials. Sheridan insisted that all officials should actively support reconstruction. Registrars were set to work to enroll those given the suffrage under the Reconstruction Acts, and before September, 84,436 blacks and 45,218 whites had been registered.

These figures foretold the nature of the government that was to be, and in consequence the whites lost heart. At the voting in September on whether or not a convention should be held, there were 75,083 votes for holding a convention and against it 4,006, most of the whites having stayed away from the polls.

The despotic methods of Sheridan caused so much ill-feeling in Louisiana that President Johnson relieved him, and offered the command of the Fifth District to Gen. George H. Thomas, who declined it. Gen. W. S. Hancock was then placed in command. During the interim between Sheridan's and Hancock's administration, Gen. Joseph A. Mower was in charge of Louisiana. He was wholly under the control of the radical leaders at Washington and in Louisiana, and he endeavored to hasten the process of the reconstruction before Hancock should arrive. Mower was even more radical than Sheridan; among the many removals made by him was that of Lieutenant-governor Voorhies. Under Sheridan and Mower no one was permitted to serve on a jury who was not a registered voter, and thus the juries fell into the hands of blacks and low-class whites.

When Hancock arrived he reversed the radical policy and endeavored to rule justly. He revoked Sheridan's orders in regard to juries, replaced some officials who had been removed by Sheridan and Mower, and allowed the civil authorities to perform their functions. Governor Flanders disapproved this leniency and resigned. To succeed him Hancock appointed Joshua Baker, a former Democrat who had opposed secession.

On November 23, six days before Hancock reached Louisiana, the reconstruction convention met in New Orleans. The negro members outnumbered the white two to one. The convention was in session

until March 7, 1868. The constitution framed by it disfranchised practically all who had taken active part in the war on the Confederate side. These could regain the right of suffrage only by signing a paper stating that the "rebellion was morally and politically wrong," or by actively supporting the Reconstruction Acts. Large salaries were provided for—$8,000 for the governor, eight dollars a day for members of the legislature, etc. Equality of the races was ordered in public places, public conveyances and in the schools. The convention ordered an election for the purpose of ratifying the constitution and for the election of state and local officials. The constitution was adopted by a vote of 51,737 to 39,076, over 30,000 negroes refraining from voting. The legislature was radical; H. C. Warmoth, radical, was elected governor, and Oscar J. Dunn, a negro, lieutenant-governor. Warmoth, who was from Illinois, had been a Federal soldier, but had been dismissed for expressing too strong Democratic sentiments.

Hancock left Louisiana before the legislature met. He had, during the winter, removed some of Sheridan's appointees who had proved to be corrupt. General Grant ordered them reinstated and Hancock thereupon asked to be relieved. Gen. R. C. Buchanan succeeded him and completed the reconstruction of Louisiana. The legislature met in June, ratified the Fourteenth amendment and elected two carpet-baggers, William P. Kellogg and John S. Harris, to the United States Senate. General Buchanan then placed Warmoth and Dunn in charge of the government, and on July 13 declared Louisiana "reconstructed."

The Administration of Governor Warmoth, 1868-1872.

For more than eight years—1868-1877—the government of Louisiana was controlled by adventurers

from the North and a few native corruptionists kept in power by the votes of degraded and ignorant blacks, and by the armed forces of the Federal government. Dishonesty in public office was the rule, not the exception. Governor Warmoth's accession to office was followed by a short period of tranquillity, but the seeds of discord had been sown and soon the trouble came. During the presidential campaign of 1868 there were serious conflicts between the blacks organized in the Union League and the whites, who belonged to secret orders such as the Caucasian Clubs, Knights of the White Camelia, etc. Dangerous riots occurred in New Orleans and in St. Landry Parish. In order to give the carpet-bag state government military protection, the legislature, in 1868, provided for a body of armed men known as the Metropolitan Police, which was transformed by the governor into a small standing army, subject to his absolute control. The governor also had large powers of appointing and removing—greater than was ever enjoyed by the governor of any other state.

The law forbidding separate public schools for the races caused the whites to become hostile to the school system, and they refused to allow their children to attend. The schools fell entirely into the hands of the negroes. Soon the embezzlement of the school funds by the officials seriously interfered with the operation of the negro schools. The Peabody Education Fund paid to the white private schools the share of its money due to Louisiana. The Louisiana State University at Alexandria, which, after the destruction of its buildings in 1869, was located temporarily at Baton Rouge, refused to open its doors to negroes, and in consequence, after 1872, its appropriations were withheld and it slowly went to ruin.

Though the Louisiana State University (then called the State Seminary) was not mentioned in the constitution of 1868 as an institution that must open its doors to negroes, the old University of Louisiana, a New Orleans institution, was directed to admit both races to its law, medical and academic departments. This seriously crippled the institution, though there is no evidence that any negroes ever attended.

The state debt rapidly grew to enormous proportions. In January, 1869, it amounted to $6,777,300; a year later it was $28,000,000, and in November, 1870, it reached $40,000,000. Local debts were heavy also, that of New Orleans reaching $17,000,000 in 1870. Warmoth denounced the legislature for bribery and corruption. He said that he himself was offered $50,000 to sign a bill. The mere running expenses of the legislature in 1871 were as follows: Senate, $191,763.85; House, $767,192.65—an average of $113 a day for each member. The House had eighty clerks at high salaries, yet only 120 bills were passed.

Warmoth, though corrupt as any, frequently showed signs of a better spirit. In 1869 he secured the passage of a general amnesty act. He endeavored to make a compromise by which the races might have separate schools in spite of the constitution, and though he grew rich while in office, he loudly denounced the worst of the thieving by others. His attitude in this matter caused him to be severely censured by the baser elements of his own party, and he drew toward the Democrats. By 1871 the Republican party split into two factions, one headed by Warmoth and supported at times by Democrats; the other known as the Custom House faction was composed of the leading carpet-baggers, headed by S. B. Packard, United States Marshal,

and George W. Carter, speaker of the House. This faction wanted to impeach Warmoth and thus get control of the spoils. In 1871 Lieutenant-governor Dunn died, and Warmoth managed to get another negro, P. B. S. Pinchback, a creature of his, elected to the vacancy. For some weeks early in 1872, a state of war existed between the two factions. Warmoth's friends were once shut out of the legislature and he himself arrested under the Enforcement laws and haled before Packard. Next he used his great influence to have Carter deposed as speaker of the House. Carter and Packard then organized another body which they called the "true legislature," and raised forces to seize the State House. Conflicts occurred in the streets, and a mob raised by Packard and Carter was kept out of the State House only by the aid of Federal troops.

The Kellogg Usurpation, 1872-1877.

When the presidential campaign of 1872 opened, Warmoth and his faction declared for the Liberal Republicans and united with the Democrats. The Custom House faction declared for Grant, and nominated for governor William Pitt Kellogg, and for lieutenant-governor C. C. Antoine, a negro. The Democratic nominees, John McEnery for governor, and Davidson Penn for lieutenant-governor, were supported by Warmoth and received a majority of the votes.

But the problem of counting the votes was most complicated. To count the ballots and declare the results was the duty of the Returning Board. Three members of the board being candidates were no longer eligible, and Warmoth appointed others to take their places. Then the three who had thus lost their places formed a new body known as the Lynch board, and Kellogg got an order from Judge Durell

restraining the other board from counting the votes. Warmoth, not to be beaten, now signed and promulgated a bill passed by the last legislature which gave to the Senate the appointment of the returning board, called the Senate to meet and elect a board, and meanwhile appointed, as he had the authority to do, a temporary board known as the De Feriet board. By this board McEnery was declared elected.

President Grant, in accord with his usual policy in Southern affairs, sided with the radical party, refused to recognize the count of the De Feriet board, ordered the troops to support the other faction, recognized as acting governor the negro Pinchback, whose term of office as lieutenant-governor had expired a month before, and accepting the impeachment of Warmoth by the Kellogg faction, ordered the dispersal of the McEnery administration. Committees of citizens were organized to go to Washington to lay the case before President Grant, but the latter sent word that the visit would "be unavailing." In January, 1873, Kellogg succeeded Pinchback and the Kellogg legislature began its session.

But the McEnery government did not entirely cease to exist. There were country districts where the people recognized it alone, and here and there bodies of militia were organized to support it. A congressional investigating committee declared that McEnery was the *de jure* governor, and recommended that an election be held under Federal control in order to give Louisiana a government which the people would support. This proposal was rejected by the radicals in Congress. Kellogg could enforce his laws only by using the Metropolitan police and the Federal troops. Riots occurred frequently; six office-holders were shot in Red River parish; in Grant parish there was a pitched battle

between the whites and the blacks; in St. Martin's Col. Alcibiade de Blanc, who had been the head of the White Camelia, raised a force of whites and drove out the Metropolitan police sent by Kellogg to force the people to pay taxes; in New Orleans a body of whites attacked the police stations, but were repulsed by the police and the soldiers. In March, 1873, all the Democratic members of the legislature were thrown into prison. It was clear that Kellogg would not be able to rule the country districts, and would have difficulty in holding New Orleans.

For a while the Democrats of Louisiana had done as in other Southern states, that is, had tried to form a party composed of both races. This had failed in every state. But the year 1874 marks the beginning of the widespread "white man's movement" which finally cast out the reconstructionists. In Louisiana this movement was swiftly organized into "The White League," with the best men of the state as leaders. The White League declared for free government by white men. In August, 1874, a state convention of the order was held in Baton Rouge. It was evident from the proceedings that revolution was at hand.

During the next month arms were gathered, the militia organized and drilled, and plans made for the overthrow of the Kellogg government. On September 14 a mass-meeting in New Orleans demanded the resignation of Kellogg, who fled to the United States Custom House to the protection of the Federal troops. The White Leagues assembled, were organized as state troops under Gen. Frederick N. Ogden, and ordered to attack the Kellogg Metropolitans under Generals Longstreet and Badger. The latter made but slight resistance and the city fell into the hands of the whites. McEnery being absent, Lieutenant-governor Penn was formally in-

augurated on September 15, and peace seemed at hand. But President Grant, faithful to his policy, refused to recognize the white government, sent troops and war-vessels to New Orleans and ordered General Emory to replace Kellogg. This was done without resistance—the whites always making it a point not to resist Federal troops—and the city again fell under Kellogg's control.

Though the radicals controlled the election machinery, the elections in November, 1874, went in favor of the white party. They elected fifty-seven representatives to fifty-four for the radicals, four of the six members of Congress, and several state officers. But the returning board under J. Madison Wells counted in a radical majority for the House and the radical state officers. To support this count President Grant ordered Sheridan to New Orleans, with instructions to take command if he saw fit.

The legislature met on Jan. 4, 1875. Kellogg's guards excluded the Democrats who had been counted out by the returning board, but the remainder, some of the radicals being absent, elected L. A. Wiltz speaker, and admitted to seats the contesting Democrats. Kellogg then sent Colonel De Trobriand with Federal troops to eject nine Democratic members. When this was done the other Democrats, led by Speaker Wiltz, left the hall. The radicals then elected Michael Hahn speaker. Sheridan telegraphed to Grant that if the latter would declare the members of the White League to be banditti, he, Sheridan, would do all else that was necessary, that is, hang them when caught.

So great was the indignation everywhere aroused by the high-handed acts of Kellogg, Sheridan and Grant, that Congress sent a committee to Louisiana to adjust affairs. This committee framed an agreement, which the Conservatives ratified, known as the

"Wheeler Adjustment." By this compromise all of the Democratic members of the legislature were seated, and the Democratic majority thus created in the lower house agreed not to impeach Kellogg for any acts committed prior to the adjustment. This was all that the white man's party could expect while Grant remained president.

After the Wheeler Adjustment there was comparative quiet in Louisiana until the fall of 1876, when the presidential campaign began. In the lower house of the legislature an attempt was made to abolish the corrupt returning board, but Kellogg and the Republican senate defeated the measure. Other attempted reforms failed, but with a Democratic House no dangerous laws could now be passed, and there was even some constructive legislation. An investigating committee found that the governor and auditor were guilty of misappropriating public funds and recommended the impeachment of both. Governor Kellogg was impeached by the House for offenses after the Wheeler Adjustment, but the Senate, by giving less than an hour for the preparation of the case, defeated the impeachment.

In the campaign of 1876 state issues, rather than national affairs, interested the people of Louisiana. Every effort was made by the whites to secure control. Gen. F. T. Nicholls was the Democratic candidate for governor, and S. B. Packard, of unsavory fame, was the candidate of the negro Republican party. The whites, encouraged by previous partial successes and by Democratic victories in other states, were confident, and used their influence to secure peaceful elections. The result was the quietest election held since 1866. The Democrats secured a large majority, but the returns had still to be counted by the returning board, of which J. M. Wells was president.

On the day after the election it became evident that if Hayes failed to secure every electoral vote from the three Southern states where the count was disputed—Louisiana, South Carolina and Florida—Tilden would be elected president. So the Republicans claimed the votes of all these states. President Grant invited a committee of prominent Republicans to visit each of the disputed states to watch the count. The Democrats also sent "visiting statesmen." Wells offered the vote of Louisiana to Tilden for a million dollars, but the offer was not accepted. The other side made good offers, and the Republican state and presidential tickets were declared elected. The Democrats sent contesting returns to Washington, and the matter was not settled in favor of Hayes until the last days of Grant's administration.

Meanwhile, in January, 1877, both Nicholls and Packard were installed as governors in New Orleans, and the White League militia again marched out and took possession of the city. General Grant was for the first time slow to send military aid to the radicals. The whites recognized only the Nicholls government. By a sort of trade between the Democrats and Republicans at Washington, the vote in Louisiana was allowed to be cast for Hayes, while in return the Democratic state governments in South Carolina, Louisiana and Florida were to be recognized as legal. Consequently when Hayes became president he gave no support to Packard, who was governor of Louisiana by as much right as he, Hayes, was president. On April 29 the troops were withdrawn and the Packard government went to pieces. Kellogg, who had been chosen United States senator by the defunct Packard legislature, was admitted, while Henry M. Spofford, who was elected by the Nicholls legislature, which was recognized by the President as the legal legislature, was not seated.

By the trading the whites secured nearly all that they wanted, but the policy of the Washington administration was disgraceful. The leading carpet-baggers and scalawags were given Federal offices, and most of them left the state.

So ended the reconstruction experiment in Louisiana. Its results were for the most part bad. The whites were afterward solidly Democratic while the opposing party was not respectable; the whites had become intensely opposed to any real participation in government by the negro; the constant struggle against the corrupt and oppressive carpetbag-negro government and the necessary use, at times, of violent methods resulted in lessening respect for law and government. The races were made unfriendly; in character neither white nor black had profited by the struggle in the mire of reconstruction; the public schools in the state had ceased to exist; the State University had been four years without appropriations. The extravagant corruption of the carpet-baggers had left the state bankrupt; long years of economy and heavy taxation were necessary before the finances were again in good order. During the reconstruction there had been no economic progress; in 1877 the state, in wealth and products, was far behind what it was in 1860. To heal the wounds of war and reconstruction was the task of a generation.

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Chapter V.

MODERN LOUISIANA, 1876-1909.

Significance of the Year 1876.

The year 1876 in the annals of Louisiana is one fraught with unusual significance. It is the year that marks the end of alien control of the state's political destinies. It is the year that marks the beginning of the period in which the state's best citizens reassumed their political heritage. To understand its importance one has but to review the events of the ten years preceding this date.

The armies of the North had come and gone but the followers and hangers-on that flock like wolves and vultures in the rear of advancing hosts remained behind to inflict the curse of the carpet-bagger upon the land. The disfranchisement of the native whites under the reconstruction constitution of 1868 and the elevation of the ignorant, easily manipulated, freedom-mad blacks to sudden citizenship gave political control to imported plunderers whose creed was greed, whose highest gratification was extortion and whose exultation was that of the thug and blackmailer, their hands being at the throat of a sovereign state and their victim being a time-honored commonwealth.

The Curse of Carpet-Baggery.

What Louisiana suffered at the hands of these corruptionists may be in part indicated by the following figures: In one year (1871) the legislative expenses for a short session were $626,000 or $6,150 for each member of the legislature. In four and a half years (1868-1872) the expenditures of the government amounted to $26,394,578 and in two years

(1868-1870) the bonded debt of the state was increased from six to twenty-five million dollars. The total cost of carpet-bag misrule has been estimated at more than $106,000,000.

The provisions of the constitution of 1868 reeked with insult and injury to a people unusually high-tensioned with the pride of race. All who participated in the civil and military service of the late Confederate States of America were peremptorily disfranchised or forced to make most humiliating pledges and admissions. To accept office one had to swear specifically and formally to accept the civil and political equality of all men. All schools established exclusively for any one race were expressly prohibited.

Crushed by their late defeat, the best people of Louisiana could interpose little organized opposition even after the removal in part of their political disabilities. Appeals to the ballot box counted as naught. For them the right to vote was hedged about by discouraging and arbitrary conditions. Ballots cast were nullified by Returning Boards made up of partisan and unprincipled characters. For the natural guardians of the state's welfare there were few of the fruits of political victory, for when they endeavored to install their legally and duly elected state officers, usurpers backed by Federal bayonets barred the way.

The Wresting of the State from Alien Control.

How then did the state come into its own and its citizens reëstablish self-government? The answer to this question calls for the examination of three salient factors. The first of these was military and included the clash of battle; the second was political and it touches to this day the conscience of the nation at large at a most sensitive spot; the

third was personal and before the personality of the leaders brought to the front during a time that applied supreme tests to courageous manhood, we stand, uncovered, in reverence and admiration.

Let us consider the first factor. When under the so-called Kellogg régime taxation became confiscation; when the New Orleans police force became a state military constabulary, responsible only to the governor himself; when rights and liberties guaranteed by the Federal constitution were outraged by unspeakable insolence entrenched in office, there came a time when men with red blood could no longer submit.

One fair day the people of New Orleans were called upon to assemble in mass meeting at the foot of the historic Henry Clay monument in Canal street. What was done on that occasion is known to all. Earnest and eloquent speakers addressed the assembly: grim determination steeled the hearts of the listeners. Immediately there was an arming of the citizens, a forming of companies, an uprising, not of an uncontrollable mob, but of free men whose part in the re-establishment of free government in Louisiana was as heroically played as was that of any Revolutionary patriot when this right to free government was first won. A battle took place at the head of Canal street between citizen commands and the "Metropolitan Police," the latter equipped with Gatling guns. Gen. Fred Ogden led the citizens. Gen. James Longstreet, who had become a Republican, commanded the Metropolitans. For the first time in his life, the Confederate general once so honored by his countrymen heard the old rebel yell given forth by forces opposed to him. The result of the battle was that the hirelings were scattered in every direction, fleeing to every conceivable place of concealment. Eleven of the citizens were slain, many wound-

ed. No more sacred a spot in New Orleans, a city famous for its historic memories can be pointed out than Liberty Place where these martyrs fell and no more memorable a day can be found in the calendar of Louisiana's history than Sept. 14, 1874.

In twenty-four hours the usurping, self-elected government was swept away soon to be reinstated by Federal military authority. But the cause for which blood was shed was not lost. Great indeed must be the provocation to cause such uprising and such risk of life. The attention of other states was thus attracted to their suffering sister. Public sentiment all over the country expressed itself against arbitrarily directed Federal military interference in local governmental affairs. When the next contest of ballots two years thereafter took place, Federal bayonets were withheld and with the withholding there was sounded the death of carpet-baggery and alien misgovernment was at an end.

The Election of 1876.

It is doubtful, however, that the election of 1876 would have resulted in the restoration of democratic rule had not the outcome of the presidential campaign of that year depended so largely upon the result in Louisiana as one of the three states whose vote in the Electoral College became a subject of partisan excitement and heated dispute.

It is not intended to reflect upon honest and earnest men who to-day intelligently and conscientiously embrace the principles of the Republican party. But the Republican party of that day as organized in Louisiana was about as unsavory and condemnable a conglomeration as it is possible to conceive. This party nominated in a perfunctory manner for governor to succeed Kellogg, Stephen B. Packard, a Federal appointee and officeholder. It depended

for success mainly upon a notoriously constituted Returning Board to counteract any possible defeat at the polls. The Democratic party nominated Francis T. Nicholls, ex-Confederate brigadier-general of Stonewall Jackson's legions. One-armed and one-legged he stumped the state inspiring courage and awakening enthusiasm. Both contestants claimed the election; both were inaugurated. And here the personality of General Nicholls figures. The grim warrior declared with iron-jawed firmness that he had been elected governor and by the eternal he would be seated as governor of Louisiana.

The legislature formed itself into two bodies one of which recognized Nicholls and the other Packard as having been duly elected. Neither body could boast of a quorum with which to do business. Finally three state senators and three members of the lower legislative house were won over from the Republican to the Democratic body thus completing a quorum. The Republicans made frantic appeals to the Federal government for the aid so readily bestowed in former years. But just then the threat of national conflict hung heavy over the National capital and the politicians had their attention focused upon the Tilden-Hayes political imbroglio. Peace was demanded at any price. The Electoral Commission was instituted and what followed is a matter of history. The electoral vote of Louisiana was accredited to the Republican candidate for President, but by tacit agreement and in order that a decision favorable to Hayes might not be jeopardized by any further investigation and stirring up of Louisiana's local political muddle, it was decided to let well enough alone and permit the people of Louisiana to determine for themselves as to which of the two governments should stand. The state officers elected upon the same ticket as the Tilden

electors rejected by the Federal Commission, were quieted in the possession of their offices. Packard was mollified by the lucrative post of United States consul-general to Liverpool.

The Constitution of 1879.

With the installation of a Democratic state administration came the thought of a new state constitution. When a sovereign state changes its organic law the student of political science may read between the lines a record of conditions which have made the change necessary. Comparing successive constitutions when change has been comparatively frequent, as is the case with Louisiana, one may almost construct the political history of the state itself.

Thus in the constitution of 1879 which displaced that of 1868 it is stipulated emphatically that the military shall be subordinate to the civil power: that the executive, legislative, and judiciary powers of government shall be kept separated: that each law enacted must have but one object clearly stated in the title: and that to be eligible as members of the legislature one must have resided in the state at least five years.

These provisions were evidently intended as corrective. Military power had repeatedly usurped the civil; functions of government that according to the American idea should be differentiated in their control and exercise had been so blended and concentrated in the hands of individuals that Louisiana had become a veritable paradise for Poo Bah's; laws had been passed apparently meaning one thing only to be interpreted as covering something entirely different; the limit of residential eligibility had been fixed at one year simply to defer to the needs and desires of the carpet-bagger.

One may also see in the constitution of 1879 that an intense and deep-seated distrust of legislative action had arisen in the popular mind as a result of the people's experience with the nondescript and irresponsible legislative bodies under the preceding constitution. Its drastic provisions prohibiting the passing of any local or special law covering twenty-one carefully enumerated subjects; its cut of salaries of state officers, in some cases to less than one-half; and its fixing the maximum limit of taxation at six mills for the state and ten mills for the parish or county were reminders of the past.

To conserve the rights of property and the liberty of individuals and to serve more effectively as a check to improper legislative action, an elaborate judiciary system was provided consisting of a Supreme Court of five justices; five Circuit Courts of Appeal each presided over by two judges; District Courts at least twenty in number and thirty when deemed necessary; and local justices of the peace.

The Problem of White Supremacy.

The coming into power of a Democratic state administration did not of itself assure a continuance of white supremacy. The cloud of black domination was to hang threateningly over the heads of the people for a number of years yet to come. The negro vote in many parishes (counties) outnumbered the white, the proportion being in some cases approximately ten to one. If, therefore, local self-government in accord with genuine Democratic principles was permitted to prevail, communities would suffer and be misgoverned no matter how excellent was the state administration.

Two forces were brought into play to meet this contingency. The first of these was to lodge in the hands of the state's Chief Executive an inordinate

appointive power. The governor named all local and state officials whose election by political suffrage was not specifically enjoined by the constitution. He appointed the members of the police jury of every parish, a body of select men upon whom devolved the levying of local taxes and the enacting of laws and ordinances affecting parish affairs and interests. The governor also appointed all school boards in the rural portions of the state, many of the judiciary, all executive boards, all boards of trustees of the many state institutions, and all registrars whose function was to pass upon and record the eligibility of voters. In time the wisdom of continuing this appointive system was to occasion much bitter political controversy, when as was charged, the application of the system was directed not so much to the state's welfare as to factional and partisan advantage.

The second of these counteracting forces was the persistent and effective discouragement of the black voter from taking any part in elections. The South had not yet solved the problem of disfranchising the illiterate ignorant negro by organic law non-violative of the Fourteenth and Fifteenth amendments to the Federal constitution. Until such solution was presented, other means were resorted to,—intimidation, subtle suggestion, persuasion, call it what one will. With the saturnalia of reconstruction days then fresh in mind, the end was held to justify the means. The negro either kept away from the polls on election day or complacently voted the Democratic ticket under the eyes of those whose good opinion at that particular time was of prime importance to him.

An Era of Factionalism.

In one sense, however, the result did not make for civic virtue or the public good. Louisiana be-

came a one-party state, and factional issue took the place of partisanship. When the dominant party split, the negro vote of the state would be used as a club by one faction to beat the other into subjection or as threat of dire and possible consequences if the people did not rally to the support of those who arrogated to themselves the right and ability to save the state from a return to negro domination. Nominations to state offices was made by caucus and conventions. Representation in the councils and nominating conventions of the one political party in control were based upon population so that a handful of white voters in one of the black-belt parishes called for more as a determinating factor in the political affairs of the state than ten times their number in the so-called "White Parishes." Friction and discord were the results, and in the face of growing apathy of the people at large and of factional differences that repeatedly spelt possible disaster, a new Republican party arose composed of sugar planters and other men of substance commanding a certain meed of respect for their character and personality.

Despite the incubus of odium that must ever be associated with the name Republican in Louisiana, this newly constructed Republican party came so near to success in the election of 1896 that alarm was sounded. The demand went up for a return to true democratic principle. The governor must be shorn of much of his appointive power; the people must be given more voice in local and political affairs. Ballot reform must obtain. Elections must henceforth be fair.

The Constitution of 1898.

To achieve all this the negro as a voter must be eliminated. Mississippi had by this time pointed the

way to successful elimination and one by one the other Southern states were patterning after her example. A constitutional convention was called for Louisiana and a new constitution—that of 1898 under which the state is now governed—was the result. While not all that Louisiana's most enlightened citizens might desire, as is evident by the number of amendments that have been voted on since its adoption, yet it marks a decided advance towards democracy, embodies many reforms and has removed the negro from the field of politics, giving the white people freer reign to grapple with newer and more vital problems.

The Louisiana Lottery.

Turn we now from the political to the moral progress of Louisiana and here we encounter a record in which any state may well take pride. The Latin races from which so large a proportion of the population of the state was originally drawn are preeminently prone to games of chance. Lotteries, raffles, wheels of fortune and other gambling devices appeal more strongly to them than to the more Northern and phlegmatic races and they have been the last to arrive—if arrive they have—at an understanding of the demoralization and immorality of risking and venturing upon the hazard of some throw and of idly hoping to win as gift from Fortune the bounty that should come of steady and sustained effort.

In 1868 a coterie of citizens with a farsightedness that might well have been enlisted in a better cause saw an opportunity for great profit in catering systematically to this frailty and weakness in human nature by organizing gambling on a large scale. They devised the so-called Louisiana State Lottery which was for twenty-five years to be a blot upon the

fair escutcheon of the commonwealth and a curse upon thousands of humble homes.

A charter was obtained from the legislature granting the company the monopoly of conducting lotteries in consideration that it pay $40,000 annually to the support of public education in the state. Masking themselves behind the philanthropic motives of keeping the money at home that was then being sent to Havana, Madrid, and other places where other gigantic gambling institutions of the kind had long been entrenched, and of contributing to so sacred a cause as that of education, the owners basked in the smiles of high society while their employees in den-like policy shops to be found in every neighborhood filched from passing servant girls petty sums embezzled from market and grocery money and drew with the lure of a held-out hope the humble daily savings of the neighborhood's poor.

Soon the concern grew to gigantic octopus-like proportions fastening itself upon the body-politic of the state and reaching its tentacles to every part of the Union. Its monthly and semi-annual drawings independent of its daily policy-shop drawings, with capital prizes of thirty and one-hundred thousand dollars, drew millions to its coffers every month. It debauched legislators, muzzled the press, made and unmade government officials, poisoned every channel of civic righteousness, waxed fat and became almost greater in its subtle exercise of power than the state government itself.

In 1879 the legislature repealed the charter. The constitutional convention of the same year revived it, however, by adopting a clause authorizing the General Assembly to grant lottery licenses provided each lottery company licensed paid not less than $40,000 per annum, but all lottery licenses should expire Jan. 1, 1895. The Louisiana State Lot-

tery Company was permitted to continue in business until that date provided it renounced the monopolistic feature of the original charter granted it in 1868, which it did.

To hold its own and to prevent rival concerns poaching upon its rich preserves it became a very active factor in politics. In 1892 when its charter had three years yet to run, strenuous preparation was made to secure a renewal. Politicians, public speakers, and editorial writers in formidable numbers were retained by the company to influence public opinion.

A Great Moral Victory.

But public sentiment had made wonderful advance along moral lines. Lotteries mean gambling; gambling is a vice; a vice should be suppressed, and not countenanced and authorized by a sovereign state. Thus reasoned the anti-lottery crusaders, a gallant band of Louisiana's best citizens whom no promise of preferment or threat of business disaster could deter. Seeing defeat staring it in the face the Lottery Company offered to the people of Louisiana the magnificent bribe of $1,200,000 per annum for a twenty-five years' extension of the charter, a sum sufficient to sustain the state government in all its functions without having to call upon the citizens for one cent of taxation.

The state was in an impoverished condition. It needed money for its levees, for its schools, for its yet unpensioned Confederate veterans, for its every activity conservative of the public good. The temptation to accept the tender of this tremendous bounty was a terrible one. Material self-interest dictated acceptance, ethics and the voice of conscience pronounced against it. The state was wrought up to a pitch of intense excitement over the great moral question of lottery charter renewal. The dominant

party split into pro and anti lotterites. The Farmers' Alliance of the state—a powerful organization —threw its weight into the balance and decided the result. The Lottery cause went down to defeat and Louisiana's heroic renunciation received the applause of every on-looking state of the Union. Then the United States withdrew the privileges of the mail from the concern which proved a body blow. After vain attempts to conduct its business through express companies, it retreated to Central America where it dragged out a perfunctory existence until recently.

Nor has the state halted in its progress towards public morality. The movements for temperance and prohibition, for Sabbath observance and for the discouragement of vice and crime have made marked advance within recent years. The saloon and liquor interests have been on the defensive for some time promising and acceding to all kinds of reform. New Orleans, once the paradise of race track gamblers with three race courses and numbers of pool rooms giving racing and betting opportunities every day of the year, has only recently been purged of the evil to the satisfaction of those whose chief desire is in the well being of their community.

The Public School System.

In the development of its school systems and in the growth of its educational institutions the state has made wonderful progress. Time was when public schools in Louisiana were regarded as one remove from charitable institutions not to be patronized except by those too poor to pay for private instruction. This idea has been eradicated and all classes now send their children to the public schools, because these schools on the whole offer the best instruction.

Perhaps no single factor has contributed more largely to the advancement of education in Louisiana than a body of choice spirits who organized themselves into the Louisiana State Educational Association and began a propaganda in 1883. This body comprised eminent representatives of the bench, bar, pulpit, rostrum and school-room, the bond of fellowship being patriotic desire to advance the educational good of the state.

The Association met successively in annual session at various points in the state. Its meetings commanded attention and its proceedings were listened to with profound respect. It stirred up interest in public education, awakened desire for better school facilities and inspired a general determination to place Louisiana on a par with other states in such matters.

Either as a collective body as expressed through its deliberative proceedings or as individuals taking the initiative, the Association and its members are to be credited with the origination and carrying out of some of the most determinant ideas in the educational uplift of the state. Among these were the establishment of the Louisiana State Normal School for the training of teachers, one of the best of its kind in the whole country; the holding of teachers' institutes and summer schools of instruction for teachers; the organization of a State Association of Parish Superintendents of Education, convening annually for the purpose of unifying and improving methods and matters of school administration; the requiring of professional qualifications of any one entrusted with the directing of school affairs from the state superintendent down; the change from a school system supported wholly by apportionment from the state treasury, affording on an average barely three month's schooling per annum to the

children of the state, to one supported partly by state appropriation and mainly by local taxation affording full school terms of eight and nine months; the establishment of the Louisiana State Chautauqua which for fifteen years has contributed most significantly to the culture and intellectual activity of the state.

To-day Louisiana has a perfected school system, thoroughly organized and unusually vital in all its parts. At the head of its administration stand the governor and state superintendent, counselled and advised by a State Board of Education. On the staff of the state superintendent are a state institute conductor, a state inspector of high schools, and a state organizer of public school improvement leagues. These are in the field constantly visiting every part of the state. In each parish (county) is a professionally trained superintendent of schools and a parish school board. Many rural schools are graded. High schools under state inspection and supervision are multiplying. Two State Industrial Institutes and a State Normal school largely attended give practical and technical training. At the head of Louisiana's magnificent school system stand Louisiana's two great universities—The Louisiana State University and Agricultural and Mechanical College at Baton Rouge, and the Tulane University of Louisiana at New Orleans.

Industrial Development.

A soil of unparalled richness, nature's alluvial bounty drawn for ages from the broad extent of the Mississippi valley and deposited along its lower margin very largely determines the chief occupation of Louisiana's inhabitants. The state is preëminently an agricultural one. It leads the Union in the production of two great staples, sugar and rice.

It is among the leaders in the production of cotton. The development of its sugar and rice industries has advanced most remarkably within recent years. First the Federal sugar bounty, then the tariff, stimulated and encouraged the Louisiana sugar planters. Then the perfection of the methods of developing by scientific cultivation and of extracting by improved milling and diffusion processes the saccharine substance of the cane has made Louisiana acres devoted to sugar cultivation veritable gold mines.

The story of the rice industry in Louisiana reads like a romance. For many years rice cultivation was confined to narrow strips along the Mississippi and the various bayous. Gated sluice-ways cut through levees afforded irrigation but invited calamity as points of weakness in the protective levee's structure. Soon these sluice-ways were prohibited by law and gave way to the more expensive method of pumping water over the levees by machinery. The industry, in consequence, languished for a period.

In the southwestern section of the state extended vast level and sparsely settled prairies cut and intersected by sluggish flowing streams and bayous and merging gradually into the sea-marsh that skirts the southern shore of the state. Exiled Acadians from Nova Scotia a hundred and fifty years ago had come to this region and taken up their abode, and the few "Cajun" settlements and hamlets of their descendants marked the extent of human habitation up to the period of which we write. The land was given up to grazing and few recognized its agricultural possibilities until it came to the knowledge of some enterprising Iowans. Here was a rich soil in a genial climate and land in abundance to be had at one or two dollars per acre. This was in the early eighties. An influx of immigrants from the states of the Northwest set in, infusing new blood,

vim and energy. Railroad stations sprouted into populous towns with mushroom-like rapidity; schools, churches, public buildings and all concrete evidences of prosperity sprang up where once were silent stretches and wilderness.

The new comers were from a land that knew nothing of sugar and cotton cultivation. With them farming meant grain raising. In such an area and with such natural conditions rice was the one grain to be thought of. Rice in its growing requires not only an adequate water supply to cover the fields of growing grain but the water must be applied and withheld at exactly the right time to produce the best results. The new comers saw their opportunity. The level prairie with little elevation above the surface of intersecting streams suggested one of the most economical irrigation plans yet devised. Instead of having to excavate, by slow and laborious process, ditches from which to lift the water up to the level of the fields when needed, all that was required was to run two parallel lines of embankment extending across a given stretch of country and starting at some convenient stream. The material for these embankments was plowed and scraped from the land surface nearby, mule power doing most of the work. When water was turned in between the parallel ridges thus constructed a canal would be the result, but a superimposed canal whose surface level was several feet above the level of the land. To feed a vast network of smaller irrigating ditches was simply a matter of letting the force of gravity do its work, the water flowing from the higher level of the canal to the lower level of the fields. The rapid construction of these canals might have presented at the time a Marsian-like landscape to the hypothetical observer located some distance from the earth.

No more profitable an agricultural industry, taking cost of investment into consideration, has ever been devised than rice farming as practiced in southwest Louisiana. And with the growing of vast crops came the development of a gigantic rice-milling industry to hull, clean, polish and put the grain upon the market.

Louisiana's Two Literatures.

Northern writers and critics who see only the surface of things have at various times decried the South for its comparative backwardness in literary productiveness, ignoring the fact that its culture and intellectual activities found ample and more satisfactory vehicles of expression in oratory, in statesmanship and in epistolary correspondence unintended for public perusal. Such criticisms, however, lose their sting as far as Louisiana is concerned.

Having two distinct elements of population—the Latin and the Anglo-Saxon—two literatures have developed within her confines in either of which the state may well take pride. In the ante-bellum period, at the time when New England authorship was just beginning to arrogate to itself supremacy in American Letters, the French writers of Louisiana in the domains of history, poetry, fiction and the drama had developed a literature of marked richness of expression and of many volumes. The briefest account of this literature which included the works of Villeneuve, De Bouchel, Remy, Dufour, Lusson, the Roquette brothers, Canonge, Mercier, Roman, Delery, Desommes, Martin, Delpit, Gayarré, Fortier and a host of others would of itself fill a good-sized volume.

The fact that the English phase of Louisiana's literary development is of such recent growth makes

the further fact remarkable that the state has already furnished so many stars to the literary firmament. Lafcadio Hearn, George W. Cable, Ruth McEnery Stuart, Mrs. M. E. M. Davis, Grace King, Mrs. C. V. Jamison, Mrs. Kate Chopin, Mrs. Marie Bushnell Williams, Alcée Fortier and Charles E. A. Gayaré, the inspirer and guide of George Bancroft, the American historian, are only a few of the many names which might be mentioned whose works have commanded the attention and admiration of the country at large.

Louisiana's Contribution to the American Progress.

A state that has given to the world Audubon, the greatest American-born naturalist; Richardson, the most distinctive architect native to American soil; Gottschalk, the first of America's few musical virtuosi who have attained world-wide fame; Paul Morphy, the master for all time in the domain of chess; Judah P. Benjamin, the brightest legal light of his century, who, at an age when the life work of most men is rounding to a close, entered single-handed the forum of the English bar to become at once its highest authority; Beauregard, the military engineer of superb achievement, who in defensive operations has never been surpassed; Zachary Taylor, President of the United States, without whose rough and ready courage, victory would have been only half written across the page of the War with Mexico; above all, when degrees of civilization are marked by man's varying attitude towards woman, a state that has given to the American continent its first statue commemorative of noble though humble womanhood, that of Margaret Haughery, such a state may smile at cavilers, may proudly wear her heritage of honorable achievement, may face her sisters without blush

or apology for the gifts she brings as offerings upon the altar of American progress.

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For a detailed history of this period ample material may be found in the department of archives, New Orleans, where complete files of daily newspapers are preserved in bound form subject to public inspection.

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THE HISTORY OF MISSOURI.

Chapter I.

THE PROVINCIAL PERIOD, 1682-1804.

Early Explorations of Missouri.

THE name "Missouri," of doubtful origin and meaning, was applied first to an Indian tribe near the mouth of the river, then to the river, and finally to the territory and state. During the French and Spanish period the settlements within the present state boundaries were ordinarily spoken of as the Illinois country, or, with all the posts north of the Arkansas, as Upper Louisiana. "Missouri" was restricted to the settlements on that river. The scope of the present chapter, however, will be determined by the present meaning of the term.

If the more than doubtful visits of De Soto and Coronado be omitted, and the early explorations of the Mississippi be referred to Louisiana history, it may be said that the history of Missouri begins with the founding, about 1700, of Kaskaskia on the eastern bank of the Mississippi. This settlement of French Canadians developed from a mission and trading station into a prosperous agricultural district of several villages and perhaps 1,000 inhabitants, and was the headquarters for the earlier explorations and settlements in Missouri.

The incentives for the earlier explorations westward were twofold; the Indian trade on the Missouri

River, and the lead mines on the Meramec and the St. Francois. For the most part these explorers were independent adventurers of the familiar French-Canadian type and left very fragmentary evidence of their activities. The only regular expeditions of importance were those of Du Tisne, who in 1718 ascended the Missouri beyond the mouth of the Osage, and later crossed southern Missouri to the great plains, and of Bourgmont, who two years later established Fort Orleans on the Missouri. This post, intended as a barrier to the Spanish, was located probably near the mouth of Grand River; it was abandoned in 1726. Meanwhile traders and miners from Kaskaskia were ascending the Missouri every year at least as early as 1705. Little is known of the individuals, but by 1720 the Missouri and its chief tributaries were known as far west as the present site of Kansas City.

French Occupation.

Opposite Kaskaskia, some sixty miles in length from the Meramec to the St. Francois and some thirty miles in width, was the "Mineral Region." These rich surface deposits of lead were made known to the earlier explorers by the Indians, visited by the Kaskaskia miners, and probably by the agents of Cruzat. The first systematic attempt to work the mines was made by the celebrated Company of the Indies of John Law, which sent out, in 1723, Philip Francois Renault as director-general of mining operations. The text of the grants to him of two tracts, on the Meramec and the St. Francois, show that the region was already well known, that at least one mine, Mine La Motte on the St. Francis, had been given a distinctive name, and that there were already miners or squatters on the ground.

Renault brought with him a shipload of negroes

Swag

from San Domingo, thus introducing negro slavery into the Illinois country. From his headquarters in the Illinois side he continued to work his mines until 1742. The lead when smelted was carried on pack horses to the Mississippi and ferried over to the military post of Fort Chatres, and the miners in return drew their supplies from the east bank. Very naturally a number of farmers and boatmen established themselves on the western bank, so, at this crossing, a little below Fort Chatres, was established the first permanent settlement in Missouri, the village of St. Genevieve. The exact date is impossible to ascertain; it can hardly have been earlier than 1730 nor later than 1752. During the French period St. Genevieve was regarded as a part of the Kaskaskia settlements, but the records before 1766 are very scanty.*

St. Louis, the second settlement, was the result of a conscious effort to establish a trading post, and unlike the other settlements, originated from New Orleans. In 1762 the firm of Maxent, Laclede and Company of New Orleans, received a license for the Indian trade on the Missouri River, and the following year the junior partner came up the Mississippi to establish a post. This Pierre Laclede Liguest, or Laclede as he was usually known, was a native of Bearn who had come to New Orleans in 1755. He stopped first at St. Genevieve, but as he found no place to store his goods, crossed over to Fort Chatres where he spent the winter. On a preliminary exploration in December he selected the present site of St. Louis for his headquarters, and as soon as the ice was out of the river in 1764 crossed over, built his storehouse and residence and transferred his goods.

*For the early mines, see Schoolcraft: *Lead Mines of Missouri;* for the date of St. Genevieve, Houck: *Missouri*, I., 337–339.

Spanish Occupation.

Meanwhile the news of the Treaty of Paris and the cession of the east bank of the Mississippi to Great Britain was arousing much dissatisfaction among the French at Kaskaskia. Either regarding the cession of the west bank to Spain as temporary, or preferring Spanish rule to the British, some forty families moved to St. Louis the first year. In 1765 and 1766 the movement became nearly a migration. One village, St. Phillip, was deserted by all except the commander of the militia. The French Commander at Fort Chatres, St. Ange, removed the garrison to St. Louis when the English took possession in 1765. No doubt many of the French went to St. Genevieve. In 1770 an official report gives the total population of Spanish Illinois as 891, equally divided between the two villages.

As Laclede held no commission and had no authority to grant land, he found this unexpected influx of settlers rather embarrassing. By common consent he exercised a general control and made verbal assignments of lots until St. Ange assumed jurisdiction, confirmed land titles, tried cases and established regulations. In 1767 the unfortunate d'Ulloa sent Captain Rui from New Orleans with a small force to establish a fort at the mouth of the Missouri, and in 1770 Captain Pedro Piernas took formal possession in the name of Spain. Piernas confirmed the grants and decisions of St. Ange, and the life of the people went on much as before. The discovery of new lead deposits at Mine à Breton in 1773 was a stimulus to mining and indirectly to St. Genevieve. At St. Louis Laclede was the leading merchant until his death in 1778. Population apparently increased slowly. In 1775 Piernas was succeeded by Francesco Cruzat, who in turn in 1778 gave away to de Leyba. Until the expedition of

George Rogers Clark the history of Spanish Illinois was uneventful.*

American Immigrants.

The coming of the Americans was welcome to the Spanish, and Clark, who visited de Leyba soon after the capture of Kaskaskia, no doubt received some supplies from the Missouri settlements. But the contest for the Northwest involved the Spanish in two incidents, the details of which are still obscure. The English planned for 1780 a combined north and south attack, from Michilimacinac and the Gulf, on both the American and Spanish possessions in the Mississippi Valley. The energy of Galvez at New Orleans, who captured the British ports in Florida in 1779, ended the danger from the south, but in the spring of 1780 an expedition of Indians and English from Michilimackinac threatened Cahokia and Kaskaskia. After a repulse there, a large number of Indians crossed the river, plundered the outlying farms about St. Louis, killed or captured some settlers and, it would seem, made a half-hearted attack on the town. It is clear that the whole incident has been much exaggerated by local tradition, and it may be that no assault was attempted. It is clear that Clark did not cross the river to assist the Spaniards.†

During the summer the Spanish coöperated with the Americans in a punitive expedition to the Illinois River, and some Spanish subjects probably accompanied de la Balme and the French on the ill-fated raid against Detroit. In revenge for their losses on this expedition the Cahokians captured and plundered St. Joseph in 1781. The Spanish sent thirty militia men to aid the Cahokians, and according to

*The most important source for the founding of St. Louis is *Chouteau's Journal*, in the Mercantile Library of St. Louis.

†Billon, *Annals St. Louis*, I., 191–202; Scharf, *St. Louis*, ch. IX.

the official Spanish account, the expedition marched under the Spanish flag and took possession of St. Joseph in the name of Spain. The statement on the face of it is improbable, and the desire of the Spanish government to advance some claim to the Northwest for capital in the negotiations of peace is obvious. The official account, however, is explicit. The lieutenant-governor continued to coöperate with the Illinois French to the close of the war.*

These French found the American régime very unsatisfactory. The continental currency they received for their supplies was of little value; the frontiersmen were turbulent and overbearing; the government set up by Virginia was hopelessly inefficient. The result was a new period of migration to the western bank, deliberately encouraged by the Spanish. As early as 1779 the wealthier merchants such as Cerré and Gratiot removed to St. Louis, followed in the next ten years by an increasing number of the common people. The French population of Kaskaskia decreased 75 per cent. between 1783 and 1790, while the population of St. Louis and St. Genevieve increased from 1,481 in 1785 to 2,093 in 1788. Many of the newcomers settled in the present St. Louis county some distance from the town and founded a considerable village at St. Ferdinand de Florissant some twelve miles northwest of St. Louis. St. Charles, the first permanent settlement on the northern bank of the Missouri, and settled in the eighties, began as a headquarters for the Canadian traders and trappers on the Missouri.†

New Madrid and Other Settlements.

The most interesting of the new settlements, however, was that at New Madrid. The great bend of

*The best discussion of the St. Joseph expedition is by C. W. Alvord, in the *Missouri Historical Review* (Vol. II., No. 3).

†For the relations of the French and Americans in Illinois, see Illinois Historical Collections, II., Introduction by C. W. Alvord.

ST. JOSEPH IN 1850.

the Mississippi, "l'anse à la graise," had long been a favorite rendezvous for hunters and Indian traders, and a permanent trading post was established there as early as 1787. In 1788 George Morgan fixed on this district as the most promising for his attempt to recoup his fortune. Morgan, a native of New Jersey and a graduate of Princeton, had been trading with the Indians and speculating in western lands for twenty years, but the refusal of Congress to confirm to him a land grant from the Indians left him bankrupt. Two influences at work in the western country gave his project of an American colony in Missouri much promise of success. The ordinance of 1787 had aroused the apprehension of the settlers north of the Ohio that the slaves they already possessed would be set free. The interference of the Spanish with the Mississippi River traffic seemed to offer peculiar advantages to Americans settled on Spanish soil. Morgan accordingly secured from the Spanish minister Gardoqui, subject to the approval of the Spanish King, a concession of some twelve million acres of land with a frontage of three hundred miles on the Mississippi north of the mouth of the St. Francois.

Morgan allied himself with some of the leading men of western Pennsylvania and in 1788 led a preliminary expedition down the Ohio, and fixed on New Madrid as the most advantageous site for his town. Then he laid out a "city" four miles by two, with streets 100 feet wide, reservations for a park and public buildings, and divided into half acre lots. But the attractive plan was never realized. When Morgan reached New Orleans in May, 1789, Governor Miro refused to confirm his grant. At this time Miro and Wilkinson were deep in their intrigue to detach the western country from the Atlantic seaboard and opposed any measures which would quiet

the unrest in the Ohio Valley. Such a colony as Morgan planned was calculated to draw off the radical and the discontented from Kentucky and ruin the plans for disunion. Wilkinson himself warned Miro against the New Madrid experiment.

Miro however despatched a garrison to New Madrid, built a fort and established a civil government which was independent of St. Louis until 1799. The settlement grew slowly, was composed chiefly of French traders and trappers, and did not turn to agriculture and become entirely self-supporting until 1796. The emigration from the American side at first was made up largely of Creoles from Vincennes and Kaskaskia. The chief importance of the Morgan experiment lies in the widespread interest in Missouri it inspired among the Americans.

Meanwhile there is little of note in the general history of the Spanish Illinois country. De Leyba, who died in 1780, was the only unpopular lieutenant governor of the Spanish period, and left behind him a tradition of corruption and cowardice unsupported by the official records. It may be that his unpopularity was due to an attempt to stop the extensive illegal traffic with the Americans. Piernas returned for a second term from 1780 to 1787 and Manuel Perez was lieutenant-governor 1787 to 1792. The uneventful history of the time is well reflected by the popular system of chronology, by which each year was named from the most important event. Thus 1784 was "l'année des grandes eaux" because of the flood which compelled the people of St. Genevieve to move back from the original site of the town. The term of Zenon Trudeau (1792-1799) was a period of anxiety, first because of the intrigues of Genet with George Rogers Clark and the Kentuckians in 1792, and later, when Spain was allied with France, beecause of fear of a British attack

from Canada. In 1796 the fortifications at St. Louis were repaired and extended and the garrison considerably strengthened. But the apprehension proved without foundation and the prosperity of the settlements continued.

During the administration of Trudeau two new posts were established, completing the list of important settlements during the Spanish régime. New Bourbon was established in 1793 some two miles and a half from St. Genevieve, to attract the French royalist refugees from Gallipolis, and to provide a suitable command for Pierre De Hault De Lassus de Luziere, who was the leader in the proposed movement. De Luziere was not successful in bringing about the transfer but came himself and throughout the Spanish period acted as civil and military commandant over the village and a considerable part of the lead district. The commandant at St. Genevieve retained a general control over New Bourbon. The village has long since disappeared. Cape Girardeau had a more prosperous career. Its establishment as a separate district was due to the influence and energy Pierre Lorimier and to the fear of the results of Genet's intrigues in Kentucky. Lorimier, born in Montreal, for many years a fur trader and Indian agent in the Ohio Valley, exercised great influence over the Shawnees and married a half-blood of that tribe. After his persistent hostility to the Americans compelled him to move to St. Genevieve (in 1787), he came to the front because of the importance of keeping on good terms with the Shawnees and Delawares. In 1793 he was permitted to establish himself and the Shawnees and Delawares whom he controlled on the west bank, and given general control over the Indians as far south as the Arkansas. Three years later he was given a large grant of land at Cape Girardeau, where

he had already established his headquarters. Lorimier actively encouraged the immigration of Americans and made his district a purely American community. No town was laid out at Cape Girardeau during the Spanish period.

Influx of Americans.

Toward the end of Trudeau's term there began the great influx of Americans. Mention of individual Americans may be found from an early date; after about 1785 a considerable number came over from the Kaskaskia settlement; Morgan's plans attracted some from the Ohio. Yet the total number before about 1797 was relatively small. This date is fixed by the enormous increase of American names in the land grants, the records of many American settlements established, and the fact that while the total population (excepting New Madrid) increased only from 2,927 to 3,083 from 1795 to 1796, the total (including New Madrid) grew from 3,582 in 1796 to 6,028 in 1799, and to nearly double that number in 1804. The last years of the century were a time of very rapid growth in Kentucky, Tennessee, and the Northwest. But the better lands in Kentucky and Tennessee were already taken up and land titles were in a chaotic condition. North of the Ohio slavery was prohibited. While the navigation of the Mississippi had been secured by the treaty of 1795, considerable uncertainty was felt in the West as to the permanency of the concession. Kentucky and Tennessee were becoming too civilized for the typical frontiersman. The Spanish across the Mississippi offered liberal grants of land to all Catholics who would take the oath of allegiance, on condition of settlement and cultivation. In practice the religious qualifications was ignored if the settler did not force his Protestantism on the official.

All types of the pioneers were represented. Daniel Boone in his old age found too little "elbow room" in Kentucky and about 1799 followed his son to the frontier on the lower Missouri. In 1797 Moses Austin, a restless Connecticut merchant and speculator, then resident at Richmond, Va., received a grant a league square near Mine à Breton in the St. Genevieve district, introduced improved methods of mining, employed fifty men, and made a comfortable fortune. Other merchants were attracted to the French villages by the fur trade. But the great mass of the Americans were of the second line of advance into the wilderness: small farmers, turning their stock into the "range," and fond of hunting. They had the frontiersman's dislike of towns or compact settlements, and for the most part cleared isolated farms with plenty of the wild forest about them. The St. Charles district, especially along the lower Missouri for some fifty miles above the village of St. Charles, was settled in this fashion before 1804, with a few farms along the Mississippi above the Missouri. Others found the fertile lands back of New Madrid, as far west at least as the St. Francois, attractive; and many selected the unoccupied tracts along the Mississippi between the French villages. The greatest number, however, located in the rich red limestone valleys of the mineral region as farmers. The Meramec and the upper St. Francois were well settled in 1804.

The concluding years of the Spanish régime were uneventful. Charles or Carlos de Lassus, son of the founder of New Bourbon, in 1799 was transferred from New Madrid to St. Louis and united the two jurisdictions. The chief event of his time was the militia expedition to Cape Girardeau, evidently to test the organization, as the danger from the Indians disappeared before the expedition

started. The valuable and entertaining correspondence with the local commandants is its chief historical importance. The news of the retrocession to France is said to have led to great laxity in land grants, but otherwise affected the Illinois country not at all.

The formal transfer of the Missouri settlements to the United States did not take place until 1804. To avoid expense, Laussat, the French representative at New Orleans, appointed Capt. Amos Stoddard of the United States Artillery, to receive possession in the name of France. After a formal and official interchange of letters and instructions, on March 9, 1804, Stoddard crossed from Cahokia to St. Louis, and with military ceremonies, proclamations and speech took formal possession in the name of France. The next day he assumed command as the representative of the United States. So ended the Provincial period in Missouri history.*

Social and Economic Conditions.

Apart from the governmental control, exercised largely by Frenchmen, there was little Spanish influence in the Illinois settlements. French remained the language of the people and was tolerated in the courts; French law, the "Coutume de Paris" seems to have persisted in practice; the whole tone of society was essential French, or rather French-Canadian. True to their social instincts the people lived in compact groups. In the villages the lots were large enough for barns, gardens and orchards so that in summer the buildings were almost hidden by the trees. Outside the village was the common field with its fence maintained at public expense. The common was divided into long narrow strips

*For the documents of the transfer, see Billon, *Annals of St. Louis;* Houck, *Missouri.*

apportioned among the inhabitants and was used for grazing after the crops were gathered. Methods of cultivation were extremely crude; the plough and harrow were wooden, and iron tools few and expensive.

The houses, at first of logs set upright in the ground, and later of frame or stone, were a story and a half in height with a broad roof sloping down over the inevitable gallery. The furniture, except in the richer families, was homemade, and the cook-utensils were few and highly prized. The French women had a high reputation for cleanliness and good cookery. The ordinary costume of the men was a shirt and overalls of cloth or deer skin, moccasins, a blue kerchief for the head, and the blanket coat or capote. The hair was worn in a queue. The women were simply dressed, with some trace of New Orleans fashions for gala occasions. But by 1804 the older fashions were fast yielding to American influences. The favorite amusements of the people were billiards, cards and dancing. Intemperance was rare except among the trappers and boatmen. Class and caste distinctions were almost unknown and a social democracy prevailed. All observers agree on the placid and rather unambitious content of the French. On their isolated farms the Americans led the frontier life common to the Yadkin, the Kentucky, and the Missouri.

Agriculture was necessarily the chief occupation. Spanish Illinois sent down the river in the capacious keel boats considerable quantities of wheat, corn, pork and beef, and some tobacco. Lead from the beginning was an important product and furs were the most valuable export. The traders pushed up the Missouri into what is now Nebraska and established numerous trading posts. In spite of frequent losses and Indian hostility the trade was very profit-

able. Montreal was the chief market. Barter was the ordinary form of trade within the settlements, and paltries and tobacco a common medium of exchange. Illinois was a thriving district at the time of the Purchase.*

In conclusion, the description of the Illinois settlements in 1804 by Major Stoddard is of value. The settlement of Little Prairie (the modern Caruthersville) contained 150 souls. The population of the district of New Madrid, estimated in 1804 at 1,350, including 150 slaves, was about two-thirds American and increasing slowly. The country was more thickly settled to the northward. Cape Girardeau had increased very rapidly since 1799, and in 1804 contained about 1,470 whites and a few slaves; all but three or four were Americans. The town of St. Genevieve contained some 180 houses, and New Bourbon thirty-five; the district of St. Genevieve had an estimated population of 2,350 whites and 520 slaves. The town of St. Louis contained 180 homes, Carondelet, five miles below St. Louis, forty or fifty, St. Ferdinand about sixty; the entire district of St. Louis had a population estimated at 2,380 whites and 500 blacks. St. Charles, the town, contained 100 houses; St. Charles, the district, about 1,400 whites and 150 blacks, and was increasing very rapidly. The total estimated population was 10,420, of whom 1,320 were slaves. At least three-fifths of the people were Americans.†

BIBLIOGRAPHY.—The most valuable printed collection of documents for the Provincial period of Missouri history is Billon, *Annals of St. Louis under the French and Spanish Dominations.* Mr. Houck, in his *History of Missouri* (to 1820, 3 vols.), prints a number of letters and commissions, and has announced the publications of his very valuable

*The best descriptions of early Missouri society are in Brackenridge, *Views of Louisiana*, and Stoddard, *Sketches of Louisiana.* There is abundant material in Billon, *Annals of St. Louis.* For discussions see Scharf, *History of St. Louis* and Houck, *Missouri.*

†Stoddard, *Sketches of Louisiana*, 209–225. Compare with these estimates the Spanish Census of 1799, which gave a total of 6,028.

collection of papers of the Spanish officials and transcripts from the Archives of Seville. The records of land grants are the best material for the study of the details of settlement. The local records of New Madrid, Cape Girardeau and St. Genevieve are deposited with the Missouri Historical Society of St. Louis; those of St. Louis are in the city archives. At Jefferson City there is a mass of valuable information, described in a report by the present writer to appear in the Report of the American Historical Association for 1907.

The only general histories of real value for this earlier period are Scharf's *History of St. Louis* (2 vols.), a coöperative work of very unequal merit, and Houck's *History of Missouri*. The latter, in spite of some lack of critical sense, is absolutely indispensable, and to it I gladly acknowledge my indebtedness.

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CHAPTER II.

THE TERRITORIAL PERIOD, 1804-1820.

Government of Missouri as a Part of Louisiana.

When Captain Stoddard took possession of St. Louis in March, 1804, he was acting under the act of Oct. 31, 1803, by which the President was empowered to take possession of the Louisiana Purchase and to continue at his discretion the existing military, civil and judicial organization. Stoddard accordingly succeeded to the authority of the Spanish lieutenant-governor with the title of Civil Commandant of Upper Louisiana.

Congress, by the act of March 26, 1804, provided for a permanent government of the Purchase. All south of 33° of latitude was created the Territory of Orleans; all north of this parallel, the District of Louisiana, to be attached, for administrative purposes, to the Territory of Indiana. The act further provided for the subdivision of the district by the governor, and declared that all grants made since

the treaty of San Ildefonso, unless actually settled in 1803, should be void. The latter clause marks the beginning of the long drawn out difficulty over land titles in Missouri.

As the act of 1804 required, on Oct. 1, 1804, Gov. William Henry Harrison, of Indiana territory, with the three judges, met at Vincennes and made the laws for the District of Louisiana. These laws, fifteen in number, were identical with or adapted from those already in force in the old Northwest, or Indiana territory. The more important were those organizing the administrative subdivisions, the judicial system, and a slave code. Governor Harrison defined the boundaries of the five sub-districts of New Madrid, Cape Girardeau, St. Genevieve, St. Louis, and St. Charles, adopting the Spanish boundaries with a somewhat more exact description. The governor and judges then ordained that in each subdistrict the governor should appoint a competent number of justices of the peace, who were to exercise general control over local affairs. The other local officers were the sheriff, coroner, assessor, recorder and constable. The justices as a court of quarter-sessions had jurisdiction over criminal cases not capital; as a court of common-pleas, over civil cases not exceeding $100. There was also a probate judge for each district and the individual justice had jurisdiction over petty civil cases. At the head of the judicial system was the supreme court of the territory with original and appellate jurisdiction. The slave code, like that of Indiana territory, was based on the Virginia laws, with the omission of the more harsh and cruel features and was directed primarily against slave insurrections and conspiracies.*

*For the text of the Laws see, *Territorial Laws of Missouri;* for a discussion. Loeb, *Beginnings of Missouri Legislation* (*Missouri Historical Review*, Vol. 1, No. 1).

Missouri Made into a Territory.

The sentiments of the inhabitants as to the Purchase are hard to determine, but at first the feeling seems to have been one of satisfaction. The restrictions on the domestic slave trade, the refusal to recognize the extensive land grants subsequent to 1800, and the inferior political organization with the seat of government far away at Vincennes aroused profound dissatisfaction, particularly among the richer class. The introduction of trial by jury with a more complicated and expensive procedure, and the more searching system of taxation were also unpopular. The prevailing unrest found expression through an informal convention at St. Louis in September, 1804, composed of the delegates from the various districts. This convention addressed a spirited and comprehensive memorial to Congress. In addition to the grievances already mentioned, the convention objected to the proposed transfer of eastern Indians to Missouri, but the chief emphasis was laid on land titles and form of government. The memorial concludes with a petition for a separate territorial government with an elective legislature and a delegate in Congress, confirmation of titles to land and to slaves, and the recognition of the French law and language.

Congress granted these requests in part in the legislation of March, 1805. The confirmation of incomplete land titles to actual settlers was made more liberal and a board of commissioners was created to report on all disputed claims. The District of Louisiana was transformed into a territory of the same name, with the ordinary government of the first grade: a governor, three judges and a secretary. President Jefferson appointed as the first governor of Louisiana territory the notorious General Wilkinson; as secretary, Joseph Browne, of New

York, a brother-in-law of Aaron Burr, and as judges James B. C. Lucas, John Coburn and Rufus Easton. Lucas was a Frenchman of birth and education, resident for some time in Pennsylvania; Easton was a leading resident of the territory. Both were prominent throughout the territorial period. Coburn was appointed from Kentucky.

For some rather obscure reasons Wilkinson became thoroughly unpopular. He was charged with improper speculation in land grants, with interference with the land commissioners, and corrupt and arbitrary behavior. His earlier connection with the Federalists and his friendship with Burr who visited St. Louis in 1805 were brought up against him. Wilkinson became involved in bitter personal quarrels with the leading citizens, and after about a year was ordered to New Orleans, and in 1807 was removed from office. Meriwether Lewis, recently returned from his joint expedition with Clark, was appointed his successor. Lewis succeeded in winning the support of the local leaders and had a successful administration until his mysterious death, by suicide or murder, in Tennessee in 1809. Frederic Bates succeeded Browne as secretary in 1807, and served with unusual ability to the end of the territorial period. Benjamin Howard succeeded Lewis in 1810, and served with general satisfaction until he was ordered into active service on the northern frontier in 1812.

The admission of Louisiana as a state necessitated a change in the name of the territory, and the census of 1810, showing a population of over 20,000, justified a higher grade of government, so Congress by the act of June 4, 1812, created the Territory of Missouri, with a legislature composed of an elective lower house and a legislative council of nine, appointed by the President from a list of

eighteen submitted by the lower house. The representatives were to be elected biennially; the apportionment to the counties was one representative to each 500 free white males; the franchise was extended to resident taxpayers of voting age. The members of the council held office for five years. The voters of the territory were empowered to elect a delegate to Congress. Governor Howard set the new machinery in motion by transforming the districts into counties and calling for the election of a lower house, which nominated eighteen candidates for the council. The nine appointees and the lower house, together making up the legislature, met at St. Louis on the first Monday in July, 1813. In 1816 the council was made elective and Missouri reached the highest grade in territorial government.

The Political Life of the Territory of Missouri.

The establishment of a legislature in 1812 was the beginning of vigorous political life in the territory. Edward Hempstead, attorney-general of the territory since 1809, was elected first delegate to Congress, but in spite of a successful effort to secure a more liberal land law and great personal popularity, he declined to be a candidate for reëlection. Hempstead was a native of Connecticut and practised law there before his removal to Vincennes and to Louisiana in 1805. The second delegate, Rufus Easton, was likewise from Connecticut and a lawyer. He was one of the original judges of Louisiana territory, first postmaster of St. Louis and for a time United States attorney for the territory. He became involved in a factional quarrel with Governor Clark and the influential group about him and was defeated in 1816 by John Scott, but the election was declared illegal by the national house of representatives. In the special election of the following year

Scott was again victorious and served as delegate and representative until his political prospects were blasted by his vote for Adams in the contested election of 1824-25. Scott was a native of Virginia, practised law at St. Genevieve and for years was the most influential man in the southern settlements. Local politics seemed to have turned almost exclusively on personal issues. Governor Clark had the support of the majority of the leading men, and the bitter opposition led by Judge Lucas, Joseph Charless, the St. Louis editor, and others, was usually unavailing.

In local government Missouri tried a number of experiments and did not show a consistent development. Thus the original plan of justices of the peace with administrative and judicial powers was superceded in 1806 by the creation of county commissioners, appointed by the governor, with administrative functions. In 1813 all the local courts of the district, except that of a single justice, were consolidated into a single court of common-pleas; in 1815 the territory was divided into two circuits, over each of which a judge was appointed with general jurisdiction in the counties. The next year the circuit judge was given general control over the administration of the counties. The whole tendency was toward consolidation, the elective principle in local government was not recognized; the ultimate result was a remarkable degree of centralization.

Growth of the Territory.

If Stoddard's estimates were correct, the total population at the time of the transfer of control in 1804 was slightly over ten thousand. The United States census of 1810 showed a total of 20,845. In 1814, the first territorial census for the apportionment of representatives enumerated 11,393 free

white males, indicating a total of at least 25,000; in 1818 the males numbered 19,218, a total of at least 40,000; in 1820 the national census showed a total of 66,586. Without question the population doubled from 1815 to 1820; that is, Missouri had her share in the wave of migration westward after the War of 1812. With the exception of the Booneslick country, however, this increase of population was still to a great degree of the earlier frontier type, and the line of settlement was gradually pushed back rather than any new centres established. The towns were still few and unimportant and the great mass of the settlers lived on detached farms. By 1820 there were scattered settlements along the Mississippi north of the Missouri, and some of the more adventurous had pushed inland along the Cuivre and Salt rivers. To the southeast the belt of settlement had steadily widened, particularly in the St. Francois region. In the extreme southwest there was a small group at Springfield which had followed up the White River from Arkansas.

The extension of settlement up the Missouri was at first of this same general character. Until 1810 the most westward settlement of importance was at Loutre Island near the present town of Hermann. In that year Col. Benjamin Cooper led a considerable party of Kentuckians to the present Howard county, in the central part of the state. Booneville, just across the river, was settled a little later. Indian raids during the War of 1812 checked the growth of the settlements and forced the pioneers to draw together into a number of fortified posts, but after 1815 there was an influx of settlers exceeding any previous growth in the history of the territory. The immigrants came from Kentucky, Virginia and Tennessee, but for the most part from the valley of the Kentucky River. They were men

of some means, bringing their stock and slaves with them, and found in the wooded blue grass pastures of the Booneslick country conditions quite similar to those left behind in Kentucky. By 1820 this region contained the largest group of settlements of a purely American character in Missouri. Franklin, opposite the present town of Booneville, but long since washed away by the Missouri, was a thriving town, the outfitting point for the Missouri River fur trade and already reaching out for the Santa Fe trade. At the close of the territorial period there was the beginning of a similar settlement of Kentuckians in the present Clay county in the extreme west.

The development of county organization is one of the best evidences of the extension of settlement, for the new counties were created to meet the needs of the newer settlements. The first new county, Washington, was organized in 1813 from St. Genevieve, to include the mineral region. In 1815 all of New Madrid west of the St. Francois was created the county of Lawrence. In 1816 all of Missouri west of the Osage River, both north and south of the Missouri was included in Howard county. Then came the very rapid increase in population. In 1818 nine counties were organized; four, Lincoln, Montgomery, Pike and Clark, from St. Charles; two, Madison and Wayne, from the back settlements of St. Genevieve and Cape Girardeau; the western part of St. Louis county became Franklin, and the southern part of Howard became Cooper; Jefferson was organized from parts of St. Louis and St. Genevieve. The first legislature under the state constitution created ten more in 1820; eight along the Missouri River, one on the Mississippi north of the Missouri, and one on the Mississippi in the southeast. Thus by the date of admission to the Union there was a

single tier of counties either side of the Missouri to the Osage Purchase line, and along the Mississippi north of the Missouri; and a double tier south of the Missouri.

Indians in Missouri.

The Indians are of little importance in the history of Missouri. The original Missouris were nearly extinct when the white men came in contact with them. The Osages claimed the Osage River valley and the southwest to the Arkansas; the Sacs and Foxes the northeast. Except during the War of 1812 the Indians caused little trouble apart from petty thieving and horse-stealing, for which the Osages were notorious. The more civilized Delawares and Shawnees in Cape Girardeau and on the St. Francois presented no problems until the pressure of the white population brought about their removal westward; they made a final cession of all claims in Missouri in 1832. The first Indian treaty after the purchase was made with the Sacs and Fox tribe in 1804, by which they ceded all claims to the triangle between the mouth of the Gasconade, the Jeffreon and the Mississippi. This treaty was confirmed in 1815, and all claims in the state relinlinquished in 1826. By the treaty of 1808 the Osages agreed on a boundary line running from Fort Clark on the Missouri (about twenty-four miles east of Kansas City) to the Arkansas; they gave up also their rather dubious claims north of the Missouri. This Osage treaty line was the western limit of the civil jurisdiction throughout the territorial period.

Apart from the towns, the Americans completely swamped the earlier French population and developed the ordinary western type of society. In the towns the French maintained their customs and language; as late as 1820 French was more commonly heard on the streets of St. Louis than Eng-

lish. The great increase in the value of improved lands, especially of town lots, after 1804 was to the advantage of the wealthier French families, who for many years took a leading part in mercantile affairs. The Americans who settled in the towns were mechanics, merchants and lawyers; many of the latter intermarried with the French.

Economic Conditions.

The location of the seat of government at St. Louis and its geographical situation coöperated to make it the centre of affairs. A postoffice was established in 1804, the village was incorporated in 1809, and by 1820 St. Louis was a bustling western town of over 2,000 inhabitants. The chief trade was in lead from the Missouri and Illinois lead fields, and in peltries from the Missouri and the Mississippi, although the earlier exportation of foodstuffs down the river continued. The Missouri River fur trade was developed on an extensive scale by three successive companies and trading and trapping posts established as far west as the Yellowstone. The rate of profit, however, seems to have decreased.

The rapid commercial development caused a demand for capital and made the system of barter and the use of lead, peltries and whiskey, as currency, more and more inconvenient, but the supply of specie, apart from the disbursements of the national government, was very inadequate. To meet these needs the Bank of St. Louis was chartered in 1813 and the Bank of Missouri in 1816. Both institutions were drawn into the speculation and inflation of the boom times and succumbed to the panic of 1819. The state legislature further aggravated the situation by the issue of loan office certificates, later declared unconstitutional. The economic depression no doubt intensified the excitement over the

struggle for admission. But transportation was the greatest problem in material development. During the territorial period a beginning was made of a road system, especially on the through routes, as from St. Louis to New Madrid, and St. Charles to the Booneslick country. The rivers continued to be the only available outlets for the bulky agricultural products and the lead and peltries, and the flat boats and keel boats still carried the larger part of the traffic. The coming of the steamboat to the western waters made the rivers for the first time a satisfactory means of transportation. 1817 the first steamboat reached St. Louis and in 1819 the Missouri was ascended as far as Franklin.

The Mississippi traffic developed the familiar bullying type of boatman who was largely responsible for the reputation for lawlessness found in the pages of the travelers of the time. The trappers, on their infrequent visits to civilization were not always models of propriety. But there seems no good reason to believe that the so-called "lawlessness" of the people in general was more than the ordinary frontier impatience of the law's delay and the more indirect methods of an older social order. Dueling was prevalent to a degree unheard of in any other western state unless it be Tennessee, and the chief offenders were the leading lawyers. The most famous encounter was the Benton-Lucas duel, the last duel Benton ever fought. There is only too much reason to believe that Benton's political and personal rivalry with his victim was partially responsible for this unfortunate affair.

The first newspaper in the territory was the *Missouri Gazette,* established at St. Louis in 1808 by Joseph Charless, an Irishman trained with Duane at Philadelphia. In 1819 the *Missouri Intelligencer* was published at Franklin. Both papers have had

a continuous existence; the *Gazette* is at present the *St. Louis Republic* and the *Intelligencer* the *Columbia Statesman.* By 1821 papers were established at St. Genevieve, Jackson, and St. Charles, and an opposition paper at St. Louis. Private schools of varying merit were scattered throughout the older settlements. The first Baptist church was organized in Cape Girardeau in 1806, in 1816 two missionaries were sent to Missouri, and by 1821 several "associations" had been formed. The first Methodist church was also at Cape Girardeau in 1806, and in 1816 the Missouri Conference was set off. The first Presbyterian congregation was formed in 1816, and the following year a presbytery was organized. The pioneer Episcopal church was at St. Louis in 1819.

Steps to Statehood.

The people of Missouri in numbers and in material and intellectual advancement were ready for statehood when their first petition was presented to Congress in January, 1818. This petition from the citizens of Missouri applied for the following boundaries: on the south the parallel of 36° 30′, on the north that of 40°, on the west the Osage Purchase line, on the east the Mississippi. So much dissatisfaction was felt in the back settlements in the southeast, south of this line, that a second petition was presented asking for the Missouri as the dividing line and a further extension westward. In the memorial of the legislature adopted in November, 1818, these demands were recognized in the suggested southern boundary, which was to run from 36° 30′ on the Mississippi to the junction of the White and Black rivers and back up the White River to the same parallel. The western boundary was to be the line of the mouth of the Wolf River some thirty miles west of the present boundary, and the northern

ST. CHARLES IN 1850.

line the parallel of Rock River well up into Iowa. This memorial was adopted by a vote of 37 to 3 in the House of Representatives and was generally approved by the people.

The struggle in Congress leading up to the Missouri Compromise is considered in another connection in a different division of this work. For the local history of the period the material is disappointing. The slavery issue was obscured by the angry resentment of the westerners at the attempt of Congress to dictate restrictions or conditions of admission. The friends and opponents of slavery agreed in denouncing the Talmage amendment as an unwarranted interference with local self-government. When the slavery issue was brought forward at the election of the convention, the bitter factional quarrel before referred to added to the confusion.

During the spring and summer of 1819 public opinion found expression through presentments of the grand juries and through mass meetings. In July and August the grand juries of the circuit court in St. Charles, Washington and Jefferson counties presented the proposed restriction of slavery by Congress as a grievance. The first two agreed in denouncing the restriction as unconstitutional, contrary to the treaty and a violation of the equality of the states; they agreed also in demanding a vigorous and determined stand by the people of Missouri. Jefferson county repeated the same arguments but added an expression of her hatred of slavery, the regulation of which was reserved to the states and the people. The grand jury of the superior court at St. Louis declared in April that the proposed restriction was of vital interest to the existing slave states, for if Congress could prohibit it in the new states it could prohibit it in the old. Restriction was a violation of the treaty and an

awful hardship on the slaves throughout the Union. The jury recommended a mass meeting to express the sentiments of St. Louis.

Such a meeting was held on May 15, with Alexander McNair as president and David Barton, secretary. The resolution adopted denied that Congress could exercise any control over the state constitution except to guarantee a republican form of government; the attempt at restriction was contrary to the rights of Missouri and the welfare of the slaves; Missouri by her large population and the guarantees of the treaty was entitled to immediate admission; the people may form a constitution when they wish and should do so if Congress refused a second time to pass an enabling act; such a constitution must be accepted by Congress if "republican." The other counties were urged to hold similar meetings. These resolutions are of especial significance because they represented the platform of the dominant faction in St. Louis and the territory. St. Ferdinand township in St. Louis county denounced slavery as the greatest evil of the age, contrary to freedom and the laws of nature; Montgomery county appealed to the spirit of '76 and demanded immediate and unconditional admission; Washington paraphrased the St. Louis resolutions.

Meanwhile the columns of the *Gazette* were filled with communications both expressing and forming public opinion. The ablest expression of the pro-slavery anti-restrictionist views was given in five articles signed "Hampden," appearing between April 7 and June 16. The arguments were in the main the familiar ones; the guarantee of the treaty, the limitation of congressional regulation to the guarantee of a republican form of government, the reservation of the control of slavery to the local authorities, and the limitation of congressional con-

trol over the territories to the administration of the public domain. Louisiana was purchased by the common treasure and must be open to settlement by all sections; if restriction was established, the North would secure complete control of the government. "Hampden" also put forward a theory of "popular sovereignty" far in advance of the doctrine of Cass and Douglas. Admission to the Union as a sovereign state presupposed absolute independence before admission, so the sole function of Congress was to afford a means of organization. The people in fact might organize a state government without any action of Congress whatsoever, and a rejection of such a constitution because it did not observe the restriction would not throw Missouri back to the territorial status. The act of Congress was necessary for admission to the Union, not for independence, which the people may establish of right if free from danger from foreign powers. Moreover it would be absurd to claim that any congressional limitation on admission would be a perpetual obligation on the state.

Thus the remedies to the situation proposed by "Hampden" were two-fold; a spontaneous convention in case Congress once more failed to pass an enabling act, or a disregard of the restriction if imposed. The proposal for a convention without congressional sanction appeared repeatedly in the *Gazette* and was evidently supported by the opposition paper, the *Enquirer,* of which Benton, formerly the editor, was still the leading spirit. There can be but little doubt that plan would have been attempted if the compromise of 1820 had failed.

With one exception none of the anti-slavery writers approached "Hampden" in ability and vigor. "A Farmer of St. Charles County," in five articles, argued against slavery on economic and social

grounds, but was at least as much interested in denouncing Benton and the "Lawyer Junto" of St. Louis. Numerous short letters repeat the same general arguments and in many cases reflect the bitter factional division in local politics. The sturdy pioneer dislike of the planter class and class distinctions was very evidently at the bottom of much of this opposition. "Pacificus," in four moderate articles during May and June, answered "Hampden's" more radical constitutional theories and upheld the power of Congress to refuse admission altogether or to impose conditions. The treaty merely guaranteed admission at the discretion of Congress. "Pacificus" declared that the choice was between gradual abolition and refusal of admission; abolition would favor the poor immigrant and prevent class distinctions; immigration from the free states was the more desirable.

Public sentiment against those who defended the power of Congress to restrict slavery was very bitter. A delegation visited Charless in May and threatened to destroy the *Gazette* if it continued to print pro-restrictionist articles, and Benton forbade the mention of his name in its columns. A Baptist Association in Howard county sent a remonstrance to Congress against restriction. A citizen at Franklin was mobbed for asking how a member of the Methodist Church could hold slaves and was afterward indicted for inciting a riot. The saner men soon came to see that this intolerance and violent language were weakening their cause, and the excitement subsided as the meeting of Congress approached.

The news of the passage of the "compromise" was received with general rejoicing and the canvass for the election of the convention began at once. On April 10, 1820, thirteen friends of the thirteen pro-slavery candidates in St. Louis met and selected

eight as the party ticket. Benton was excluded and the attempt to induce one of the others to withdraw in his favor was a failure. On April 11 the opposing party held a meeting and resolved against any interference with slaves already in the territory, recommended to the convention the prohibition of further importations, and denounced the alleged proposals of the opposition to restrict the ballot to freeholders and to require *viva voce* voting. The *Gazette* sought to make these illiberal restrictions the issue in the local campaign. It is not clear that an opposition ticket was named, but the *Gazette* printed a list of eight, four from the earlier ticket and including Lucas. In the election in May the anti-restrictionists were completely successful in St. Louis and in the territory at large.*

The forty-one delegates who assembled in St. Louis represented a high order of intelligence and education for a frontier state. With the exceptions of Benton and Lucas the ablest men of the territory were included. The constitution which they drew up in a little over a month was largely the work of their president, David Barton, and served the state with some amendments until 1865. As one would expect, there were clear traces of Kentucky and Virginia influence. The sections regarding slavery are of special interest. Benton in later life claimed the credit for the denial to the legislature of the power to emancipate without the consent of the owner, that slavery might be eliminated from local politics. The right of immigrants to bring their slaves with them was guaranteed. On the other hand the legislature was required to prohibit the importation of slaves for purposes of speculation, and to oblige owners to treat their slaves with humanity and to abstain from punishments touching

*This discussion is based on the files of the *Gazette* for 1819.

life or limb, and such malicious injuries were to be punished as if the victim were a white person. In criminal cases slaves were guaranteed an impartial trial by jury. The further immigration of free negroes or mulattoes was to be prohibited.

The constitution went into effect at once and the first state elections were held in August. The state government was organized, two United States senators elected and the machinery in full working order when Congress assembled. The attempt to reopen the whole question of the admission of Missouri as a slave state and the ingenious if somewhat undignified second compromise need not be discussed. The formal resolution of the state legislature in compliance with the Compromise is perhaps the best evidence of public opinion in Missouri. It declares that as Congress had no right to impose the condition and as the legislature could not abrogate a clause of the constitution and therefore the resolution had no legal effect at all, for the sake of good feeling the legislature would formally adopt the resolution that the enumerated clauses should not be carried out by the legislature. President Monroe wisely ignored the tone of the resolution and proclaimed the admission of Missouri on Aug. 10, 1821. But for years every loyal Missourian dated the admission of Missouri to the Union from 1820.

Bibliography.—The Acts of Congress may be found in the Statutes at Large; the local legislation in the Territorial Laws of Missouri. The Journals of the Legislature were not printed except in the *Gazette*, but selections from them are reprinted in F. L. Billon's *Annals of St. Louis During the Territorial Days*. The Journal of the Constitutional Convention gives the official action of that body; the constitution of 1820 may be found in the Territorial Laws and in the Revised Statutes of Missouri up to 1865. The records of the governor and secretary were probably destroyed in the burning of the state capitol in 1837. The territorial Papers at Washington, now being calendared by the Carnegie Institution, partially supply the loss. The Records of the various land commissions and the evidence presented to them, and considerable material on early taxation and expenditures, are at Jefferson City.

The files of the *Missouri Gazette* in the office of the *Republic* at St. Louis, and of the *Missouri Intelligencer* in the State Historical Society at Columbia, are invaluable. Many items from the *Gazette* are reprinted in Billon's *Annals*. The Missouri Historical Society at St. Louis has a wealth of letters and manuscript material on the period which will be accessible when the new building is completed. The collection of Documents which Mr. Houck has in preparation promises to be indispensable

Of the general accounts, L. Houck's *Missouri*, though brief, is still the most valuable. W. F. Switzler's *Missouri* has the best brief account of the Booneslick Settlements. L. Carr's *Missouri* gives a brief survey of the Territorial Period, but must be used with caution on the Missouri Compromise. For St. Louis, E. H. Shephard's *Early History of St. Louis*, and J. F. Darby's *Recollections*, are of value, and J. T. Scharf's *St. Louis* has some excellent chapters. Special articles may be found in the *Missouri Historical Review* and in the Missouri Historical Society Collections.

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CHAPTER III.

MISSOURI, 1820-1865.

Admission into Union as a State.

Missouri was the most richly dowered territory that ever knocked at the doors of Congress for admission into the Union. "Child of the Storm" is a sobriquet that might aptly be applied to her; for when John Scott, delegate from Missouri, in the early days of 1819, called up his resolution in the nature of an "Enabling Act" that awful storm concerning slavery burst upon the country, which raged with intermittent fury till Appomattox closed the bloodiest chapter in the Book of Time. The chances are that could Mr. Tallmadge of New York have looked down the vista of years and seen all the blood shed in that titanic struggle he never would

have proposed to amend Delegate Scott's Enabling Act for Missouri with these portentous words:

"That the further introduction of slavery or involuntary servitude shall be prohibited, except for the punishment of crimes, whereof the party shall have been fully convicted; and that all children born within the state after the admission thereof shall be free at the age of twenty-five years."

What motive animated him we cannot know. It may have been a genuine horror of African slavery. It may have been ambition to see his name in print. It may have been to gain a political advantage for his section. It may have been and probably was a mixture of all three. Those forty-seven words are all that snatch his name from oblivion. He was like a child handling high explosives recklessly and finds his proper place in the class with the ambitious youth who fired the Ephesian Dome. Truly did Thomas Jefferson, then in retirement at Monticello, exclaim: "The Missouri controversy sounds like a fire-bell at midnight!"

That mythical and intangible thing called "the balance of power" has caused most of the wars which have devastated Europe since the dawn of history; and, philosophically considered, it must be concluded by the unprejudiced student that the Missouri controversy was much more a struggle between the North and South touching the "balance of power" than it was a matter of conscience. A few incontestable facts will establish this proposition:

1. When Congress met in 1817, there were ten free states and nine slave states in the Union.

2. States were usually admitted in pairs, one free, the other slave, so as to maintain the *status quo ante.* As some statesman, nameless here forevermore, said at a subsequent period, "Every time a white baby is born, a black one is born to match it." So in

1818 both Illinois and Mississippi were admitted without a word of protest from any source whatsoever, though Mississippi came in as a slave state; but the *status* was not disturbed, leaving the free states with one majority. If in 1819 the Missouri controversy was a matter of conscience on the part of Mr. Tallmadge and his coadjutors, their consciences must have been sound asleep when Mississippi came in in 1818—at least it so appears.

3. But, in 1819, when Alabama and Missouri applied for statehood, both with slavery, the Northern contingent raised a great hue and cry, not because their consciences were more active than in 1817, but because if both were admitted with slavery, then there would be a majority of one slave state and a slave state majority of two in the Senate, thereby transferring the balance of power in the Senate to the slave states, though it is impossible to tell what anybody thought they could do with it after they got it, as the free states had a large majority in the House. Hence the Tallmadge amendment with its long train of consequences.

4. These men who exploited their consciences with such vociferous volubility against Missouri agreed that Alabama might come in with slavery on the gauzy plea that when Georgia ceded Alabama she stipulated that when ready for statehood the latter should be admitted as a slave state, and it was so done. These queer and quibbling casuists, however, utterly ignored the fact that the treaty with Napoleon whereby we acquired the Louisiana Territory, of which Missouri is a part, guaranteed to the people of the territory the possession of their property, including slaves! Now, with slavery dead for lo these many years, we can reason about these things without passion, and to every fair-minded person it must be clear as crystal that the provisions of our

treaty with France in favor of slavery were as binding as the stipulations with Georgia on the same subject. But because Missouri with slavery would make a majority of slave states, she was kept out, unconstitutionally and unlawfully, until Maine could be cut off from Massachusetts and admitted as a free state, to maintain the equilibrium in the Senate.

5. It should be borne steadily in mind that the Missouri controversy was not a moral but a political struggle—a fight for power and nothing else. It was not a question as to the evils of slavery, for, whatever may have come to pass subsequently, at that time the evils of that institution were as freely admitted by Southern leaders as by Northern leaders. In the constitutional convention, George Mason and James Madison, of Virginia, bitterly opposed the provision permitting the continuance of the African slave trade until 1808, and in Virginia's constitutional convention Thomas Jefferson presented the wisest and most elaborate plan of gradual emancipation ever devised by the wit of man—a plan which, if adopted, would have averted the crimson horrors of the war between the states. It must never be forgotten that the desire of Missouri to enter the Union with slavery was not a propaganda to extend the slave area; nobody appeared to be in favor of that then; for slavery was already established, in theory at least, in every square foot of the vast domain purchased from Napoleon for a song. Surely nobody will accuse John Qunicy Adams of being a pro-slavery advocate. On the contrary, by his congressional career after he quit the White House, by his great and successful fight for the Right of Petition and his other performances, he probably did as much to abolish slavery as any other man that ever lived. Certainly his declaration as to the binding force of the clause in the treaty with France

guaranteeing the right of slave property in the whole of the Louisiana Territory should be accepted at its full face value. When Arkansas, a part of that territory, applied for admission with slavery in 1836, he was a representative in Congress and said, *inter alia*: "She is entitled to admission as a slave state by virtue of that article in the treaty for the acquisition of Louisiana which secures to the inhabitants of the ceded territories all the rights, privileges and immunities of the original citizens of the United States; and stipulates for their admission, conformably to that principle, into the Union. Louisiana was purchased as a country wherein slavery was the established law of the land. As Congress have not power in time of peace to abolish slavery in the original states of the Union, they are equally destitute in those parts of the territory ceded by France to the United States under the name of Louisiana, where slavery existed at the time of the acquisition. Arkansas, therefore, comes and has the right to come into the Union with her slaves and her slave laws. It is written in the bond, and however I may lament that it was so written, I must faithfully perform its obligations." So spoke John Quincy Adams within twelve years of the close of his long and conspicuous career. No man hated slavery more bitterly, but he was too jealous of his own mental integrity and of his own fame, and entertained too much respect for the sanctity of his oath of office to be induced to cast his lot with the agitators who were trying to violate our faith plighted to France in a solemn treaty. Of course, what he says about Arkansas applies with equal force to Missouri, and it is absolutely conclusive on the law of the case.

The debate on the Tallmadge amendment was long and exceedingly bitter. Southern men threat-

ened a dissolution of the Union in 1818 and 1819, just as New Englanders threatened a dissolution of the Union in 1811 and 1812 if Louisiana were admitted. After three months of angry debate, the Tallmadge amendment was carried in the House; but in the Senate it was stricken out by a decided vote and the measure was returned to the House in the shape in which John Scott had introduced it originally. The House refused to concur in the Senate's action, and on March 4, 1819, the Fifteenth Congress adjourned *sine die* with Missouri still a territory. The great debate was then transferred to the stump and public press, where it raged till the Sixteenth Congress met in December, 1819.

At once the Missouri question was taken up in Congress; but, as Maine, a free state in embryo, was then knocking at the doors, the aspect of things had changed somewhat. The pro-slavery men declared that unless Missouri was admitted without restrictions as to slavery, Maine should not be admitted. After a furious debate, a deadlock ensued. Finally the peacemakers got in their work and a series of measures was agreed to, popularly known as the Missouri Compromise, but which should be denominated "The First Missouri Compromise," for there was a "Second Missouri Compromise," as we shall soon see.

The main features of this First Missouri Compromise were that the restriction as to slavery in Missouri was stricken out; Maine came in free; and slavery was to be prohibited in all the territory ceded by France to the United States, under the name of Louisiana, north of thirty-six degrees and thirty minutes north latitude—which is the south line of Missouri projected westward. While it was nowhere stated in the bill that Missouri was to come in with or without slavery, as she might choose, it

was clearly understood, and if it had not been so understood, there would have been no compromise. Under my limitations as to space, I cannot prove that assertion here, but it is easily susceptible of proof.

Henry Clay receives credit for the First Missouri Compromise, and that fiction constitutes no insignificant part of his fame; but he is not entitled to it. Senator Jesse B. Thomas, of Illinois, suggested it and at first Clay was opposed to it; but the situation became so dangerous that he finally adopted it as his own and fought for it manfully. Perhaps it is not overstating the case to say that but for him it would never have been agreed to.

So, in the early part of 1820 the Enabling Act for Missouri was passed, and in the summer of that year she held a convention, adopted a constitution, held an election under that constitution for a full complement of state and county officers, elected a representative in Congress and two United States senators, nobody dreaming that there would be any objection to her admission, with or without slavery.

When Congress convened in December Missouri's delegate, John Scott, presented her constitution and moved her admission; then the storm burst forth once more. Her constitution provided for slavery. Tallmadge and his coadjutors could not with straight faces object to that, for that she could do so if she chose was thoroughly understood by everybody when the compromise was agreed to; but because Missouri had provided for slavery, Tallmadge and his coworkers were dissatisfied, notwithstanding they had gotten Maine into the Union as a free state as part of the compromise; consequently they seized on the clause in the Missouri constitution prohibiting free negroes and mulattoes from settling in the state as a pretext for keeping her out. This, too,

notwithstanding the fact that certain free states had precisely the same provision in their constitution. Of course everybody knew that that was a mere pretext, and an exceedingly flimsy one, for keeping Missouri out, and that they dared not avow their real reason, which was that Missouri had elected to be a slave state. They were estopped by the Compromise from urging their real grounds of objection. The Southerners were outraged by this act of bad faith, feeling that they had been swindled in the Compromise. They were not mild in expressing their opinion that the Northerners had deliberately played a double game, and as a result of all the long wrangle the Senate voted to admit and the House voted against the admission—another deadlock. It was broken by the following procedure: Henry Clay offered a resolution to appoint a joint committee "to consider and report to the Senate and House respectively whether it be expedient or not to make provision for the admission of Missouri into the Union on the same footing as the original states, and if not, whether any other, and what provision, adapted to her actual condition, ought to be made by law." So ugly had the situation become that Clay's resolution passed both houses by large majorities. Clay was chairman of the committee. Then Clay borrowed an idea from Senator Eaton and made it his own forever in history by reporting a resolution admitting Missouri, *provided* the Missouri legislature "by a solemn public act" shall declare that the clause in her constitution relating to the immigration of free negroes and mulattoes into the state shall never be construed to authorize the passage of any law by which "any citizen of either of the states in this Union shall be excluded from the enjoyment of any of the privileges and immunities" to which he is entitled under the con-

stitution of the United States. It also provided that when the passage of the aforesaid "solemn public act" was certified to the President, he should issue his proclamation declaring that Missouri was duly admitted into the Union. The resolution passed the Senate, twenty-eight to fourteen, and the House, eighty-six to eighty-two.

That is the most preposterous legislative performance in all history, and all the participants knew it full well. The constitution of Missouri could be amended or changed only by a direct vote of the people and here were great statesmen engaged in the astounding mummery of pretending to believe that the legislature could change it! Henry Clay himself joked about it afterwards, and no wonder; but it perhaps postponed secession and civil war for forty years.

So the legislature of Missouri went through its portion of this stupendous farce, as did the President of the United States, James Monroe. On Aug. 10, 1821, he issued his proclamation declaring Missouri a state. This was the Second Missouri Compromise, of which Henry Clay gets the entire glory —in history. Poor Eaton, whose idea he borrowed, is left "to dumb forgetfulness a prey," just as Jesse B. Thomas was in the First Missouri Compromise. But in assenting under pressure to the demand of Congress, the Missouri legislature asserted vigorously its dissent to the assumed power of Congress.

In passing, it may be interesting to remember that in 1861, the anniversary of Missouri's birthday, August 10, was made memorable by one of the bloodiest battles of the war, which took place on her soil at Wilson's Creek, where Missourians fought Missourians with the proverbial fury of a family feud. Strange to relate, after this startling struggle as to Missouri's admission, the controversy as to

the extension of slavery quieted down and was little heard of for two decades. In 1836 the Platte Purchase, which constitutes one of the richest agricultural congressional districts in America, and which had been solemnly dedicated to freedom forever by the First Missouri Compromise, was by act of Congress added to Missouri, thereby becoming slave territory without a contest and without creating even a ripple of excitement!—another proof, if any were needed, that the effort on the part of the Northern contingent in Congress to keep Missouri out of the Union unless she came in as a free state was a struggle as to the balance of power and not a struggle for a moral principle.

All the world now knows two things touching this controversy: (1) The First Missouri Compromise was unconstitutional, having been so declared by the Supreme Court of the United States in the celebrated Dred Scott decision; (2) That in that Compromise the South yielded everything and gained nothing.

I have dwelt at length on this widely bruited transaction because it constituted the crux of the slavery controversy and when the South submitted to the First Missouri Compromise she lost everything touching that subject.

The most astounding fact in that connection is that President Monroe, entertaining doubts as to the constitutionality of the Compromise, submitted that question to his cabinet, in which John C. Calhoun was secretary of war, and it was held to be constitutional, the great South Carolinian consenting. Till the day of his death he seems never to have attached much importance to the First Missouri Compromise—though it was the beginning of the end of slavery on this continent.

Missouri's position as a slave state was one of

extraordinary difficulty, for she was a slave peninsula jutting out into a free soil sea. The chances are that but for the controversy precipitated by Mr. Tallmadge, she would in a few years have adopted a scheme of gradual emancipation, but in 1819 the proposal by Congress to place a restriction upon her united her citizens as one man, because they one and all believed the proposed restriction unjust, unconstitutional, and violative of our treaty with France.

That they were thoroughly united as to their right to enter the Union without restrictions is shown by the fact that the convention was unanimous as to slavery, and among its delegates sat Edward Bates, a Virginian by birth, afterwards Abraham Lincoln's first attorney-general. There was then quite an anti-slavery sentiment in Missouri, inherited from Virginia, Kentucky, Tennessee, and North Carolina. It would probably have made itself manifest in the convention but for the Tallmadge amendment and the action of Congress thereon. This anti-slavery sentiment was so strong that, in 1828, prominent men, both Whigs and Democrats, including United States senators Benton and Barton, met secretly and agreed upon a plan whereby they hoped to secure the passage of a law providing for gradual emancipation. At a private meeting these leaders determined to urge all candidates of both parties at the ensuing election to declare for such a law, thus removing it from politics. Resolutions to that effect were adopted, which in due time were to be proposed to the people. From the high character and commanding influence of the men engaged in this enterprise, it looks as though they would have succeeded but for one of those strange accidents which puzzle even the philosophers. Just before these Democratic-Whig resolutions favoring gradual

emancipation were to be published, another publication startled the country, a publication to the effect that Arthur Tappan, of New York, had entertained at his private table some negro men, and that these negro men had ridden in his private carriage with his daughters. "The fat was in the fire." Whether true or not, the Missourians believed it, and so great was the *furore* created thereby that those who attended the meeting aforesaid did not dare to publish them, and thus ended for a generation any organized movement for emancipation in Missouri, though the anti-slavery sentiment survived—not only survived, but grew year by year.

Thomas Hart Benton.

The first legislature of the state of Missouri, which convened in 1820, did two remarkable things. Having two United States senators to elect, it chose David Barton by unanimous vote—a performance equaled only once or twice in the history of American states. Being deadlocked as to the selection of the other senator, they asked David Barton to choose his senatorial yoke-fellow and he picked Col. Thomas Hart Benton, which was by long odds the most important act of his life. But the contest was so bitter that after Barton selected him it was with extreme difficulty and after several days spent in voting that Benton was elected. Missouri was entitled to a four-year term and a six-year term. Benton and Barton drew straws for the term, Benton getting the six-year term and thereby became the Czar of the fierce Democracy of Missouri for thirty years, or "six full Roman lustrums," as Benton boasted in his pompous way. Barton served ten years and quarreled with Andrew Jackson, which was the end of him.

The reason Missouri did not secede was Col.

THOMAS H. BENTON.

Thomas Hart Benton. He died in 1858, but verily his works did follow him. A North Carolinian by birth, reared in Tennessee, serving in her legislature and holding her commission as colonel in the beginning of the War of 1812, settling in Missouri in territorial days, sent by her to Congress for thirty-two years—thirty in the Senate and two in the House—he is the one colossal historical figure of the trans-Mississippi country prior to 1861. He absolutely dominated the politics of the state from the day of her admission until 1849, when he broke with her Democracy, not by the arts of the ordinary politician but by sheer force of intellect and character and by vast services rendered to the West. Named "The Great Missourian" by popular acclaim, as Henry Clay was "The Great Kentuckian," John C. Calhoun "The Great South Carolinian," and Daniel Webster "The Great New Englander," his constituents were intensely proud of him, but they never loved him, and therein lay his weakness when the final test came. He had no conception of the word fear—moral or physical, and an intenser Union man never lived.

He, like nearly all Missourians, was bitterly opposed to the restriction touching slavery which Congress attempted to force upon Missouri in 1819-21. A slaveholder himself, he believed slavery an evil, and while bravely combatting all efforts from the outside to interfere with slavery where it existed, he was opposed to its extension and fought "The Repeal of the Missouri Compromise" tooth and nail. He said: "The incurability of the evil is the greatest objection to the extension of it. If it is wrong for the legislature to inflict an evil which can be cured, how much more to inflict one that is incurable and against the will of a people who are to endure it forever. I quarrel with no one for deeming slavery

a blessing; I deem it an evil and would neither adopt it nor impose it upon others." What to do with it where it existed, he said, was "beyond the reach of human wisdom; but there is a wisdom above human, and to that we must look. In the meantime, do not extend the evil." Those particular words were uttered late in life, but they constituted his creed as to slavery all his days. It is safe to state that in the early period that was also the creed of a very large majority of Missourians; but the constant efforts of Congress to legislate on the subject in the territories and in the District of Columbia irritated the Missourians, so that Benton came to be regarded as "unsound" on that question. Also a generation of able and ambitious young men had grown up who were weary of his Czardom. They determined to overthrow him and they did it after a series of battles royal which convulsed the state for seven years. His opposition to the manner of the annexation of Texas gave them their opportunity to open the war. The average Missourian wanted Texas annexed, no matter how, war or no war with Mexico, the war method rather preferred. Two feelings animated them, lust for land and a desire for revenge. There was scarcely a family in Missouri which had not lost a member on the bloody old Santa Fe trail, and when the murderous Indians were captured or killed there was generally found among them a Mexican in disguise who had led them on. So Benton was playing with fire when he picked flaws in the plan of annexation, notwithstanding he asserted, and asserted truly, that he was in favor of annexation; but his constituents were in no frame of mind to consider hair-splitting distinctions as to the *modus operandi*. The blood of their kinsmen cried out to them and all they wanted was a crack at the Mexicans. Consequently, when

volunteers were called for, they rushed to the standards in double the numbers required or permitted and went to death as to a festival. So long as martial valor and military renown are prized among men the astounding marching and fighting of Gen. Alexander W. Doniphan and his Missourians will be told in story and chanted in song. In glory, in suffering, in achievements and in results it eclipsed the performance of Xenophon and his Ten Thousand, which has been acclaimed by the writers and orators of thirty centuries. As a consequence of his position as to Texas and his attitude as to slavery, the young Missourians tried to defeat Benton for his fifth term in 1845; but he was elected, though by a reduced majority. The revolt was on. In the meantime his hatred of John C. Calhoun had developed into a mania, and the opposition of the young Missourians instead of diminishing his imperiousness actually augmented it. So, in 1849, aided by Benton's attitude on the California question, and relying on his egotism and belligerency to help them out, they determined to forever rid themselves of him. Therefore the legislature passed what are known as "The Jackson Resolutions," because they were reported by Senator Claiborne F. Jackson, subsequently governor, a native of Kentucky. Though as many men set up claims to their paternity as there were cities vaunting themselves as the birthplace of Homer, it is now generally conceded that they were written by William B. Napton, a judge of the Supreme Court and a native of New Jersey. In brief, they stated Calhoun's theory as to slavery and the Union. These resolutions were sent to senators Benton and Atchison with instructions to present them and urge their adoption. Atchison, who hated Benton intensely, obeyed them with alacrity, but Benton haughtily refused. On the con-

trary, he did precisely what his Missouri enemies believed and hoped he would do—he "appealed to the people" in a great and most vitriolic speech at Jefferson City in May, 1849, in which he smote all supporters of the Jackson Resolutions hip and thigh, and which set the state on fire and rent the Democratic party in twain. The slightest disposition on his part to conciliate or compromise would have given him the victory; but there were no such words as conciliation or compromise in his vocabulary. Even a reasonable view of the resolutions would have saved him; but he chose to take a most unreasonable view and went about like a roaring lion seeking whom he might devour, asseverating that the resolutions advocated secession, which by any fair construction they did not do, and denouncing the supporters thereof as traitors. His opponents repaid him in kind and it was war to the knife. The Democrats divided into Benton and anti-Benton factions, bitter as gall, while the Whigs stood aloof.

The legislature elected in 1850 contained fifty-five Benton Democrats, thirty-eight anti-Benton Democrats and sixty-four Whigs. After a prolonged deadlock enough anti-Benton Democrats, led by Senator Robert M. Stewart, a New Yorker by birth, afterwards governor of Missouri, a staunch Union man, went over to the Whigs and elected Henry S. Geyer, the only Whig United States senator Missouri ever chose. Benton was defeated but undaunted. The war continued with constantly augmenting fury. From May, 1849, to the close of the polls in 1856, Benton was a candidate for senator thrice, for a seat in the Federal House of Representatives twice and for governor once, losing every race, except that he was elected to Congress in 1852. Of course he had to double up and run for two offices at once. So bitter was the struggle that the legislature elected

in 1854 never did elect a United States senator, as it was in duty bound to do, so that Missouri was the first state to have only one United States senator for two years—a bad example frequently followed by other states. In 1856 Benton made his last effort to regain his lost power, running for both governor and senator. The legislature elected was largely anti-Benton, and in the race for governor he stood third in the poll, his Democratic rival, Trusten Polk, winning both the governorship and the senatorship.

Benton, the grim old Indian fighter, went to his political death, doggedly, bravely and defiantly, the black flag waving above his romanesque head. Could he have read the Book of Fate he would have been happy, for the speeches he made from 1849 to 1856, both inclusive, created that Union sentiment in the state which in 1861 enabled Francis Preston Blair, Jr., and Benjamin Gratz Brown, Kentucky cousins of Virginia ancestry, aided by other Kentuckians and Virginians, to hold Missouri to the Union, thereby preventing secession from succeeding. Benton alive was beaten by his multitudinous foes; in the grave, Benton was victor. Col. James H. Birch truly and tersely sums up the awful Benton and anti-Benton feud in these words: "Benton forced his enemies to kill him in order that they might live!"

The Approach of War.

The repeal of the Missouri Compromise in 1854 was of intenser interest to Missouri than to any other state in the Union. If Kansas came in as a free state, Missouri would have free states on three sides, and her people believed that that situation would imperil slavery within her borders. So, backed by the Southern states, she determined if possible to bring Kansas in as a slave state and she sent her children in large numbers to that territory.

The North in general, and New England in particular, determined to bring Kansas in as a free state. Hence the New England "Emigrant Aid Societies" which provided more Sharp's rifles than Bibles, and hence that border war in which grievous wrongs and many crimes were committed on both sides. The principal difference was that in those troublous and strenuous times most of the Missourians who went to Kansas showed their good faith as actual settlers by taking with them their wives, children, household goods, flocks, herds and implements of husbandry, while among the New England emigrants the men outnumbered the women and children ten to one. In fact, in one train, by actual count, there were 225 men and only five women, with abundant apparatus for camping and fighting, minus all material for home-building or home-making—sufficient evidence as to the relative *bona fides* of the two contending forces as permanent residents of Kansas. This bloody border war raged for five years, till it was merged in the greater and bloodier war which began in April, 1861.

Government of Missouri During the War.

While from the beginning many Missourians would have been glad to be rid of slavery, it may be safely stated that prior to the great German immigration following the Revolution of 1848, there was only a handful of Abolitionists in the entire state, for most of the people were Kentuckians, Virginians, Tennesseeans and North Carolinians and their descendants. Even the Gradual Emancipationists had no organization as a distinct party till 1848, when Francis Preston Blair, Jr., commonly called Frank Blair, and his cousin, B. Gratz Brown, organized and led a small party for Martin Van Buren, while Benton supported General Cass. In

that instance the pupils outran the master, as they did again in 1856, when they supported Gen. John C. Fremont, a South Carolinian and Colonel Benton's son-in-law, while Benton himself supported Buchanan, chiefly on the ground that the Republican party was essentially sectional in character. The vote for Van Buren was pitifully small and the vote for Fremont, while larger, was still small, the increase being nearly all from the Germans who had settled in and about St. Louis. Even in 1860, of the 165,000 votes in Missouri for President, Lincoln received only 17,028, while Bell received 58,372, Breckinridge 31,317, Douglas 58,801. Though their numbers cannot be definitely ascertained, events seem to show that when Lincoln's election was an established fact the avowed secessionists in Missouri were not largely in excess of the Republicans.

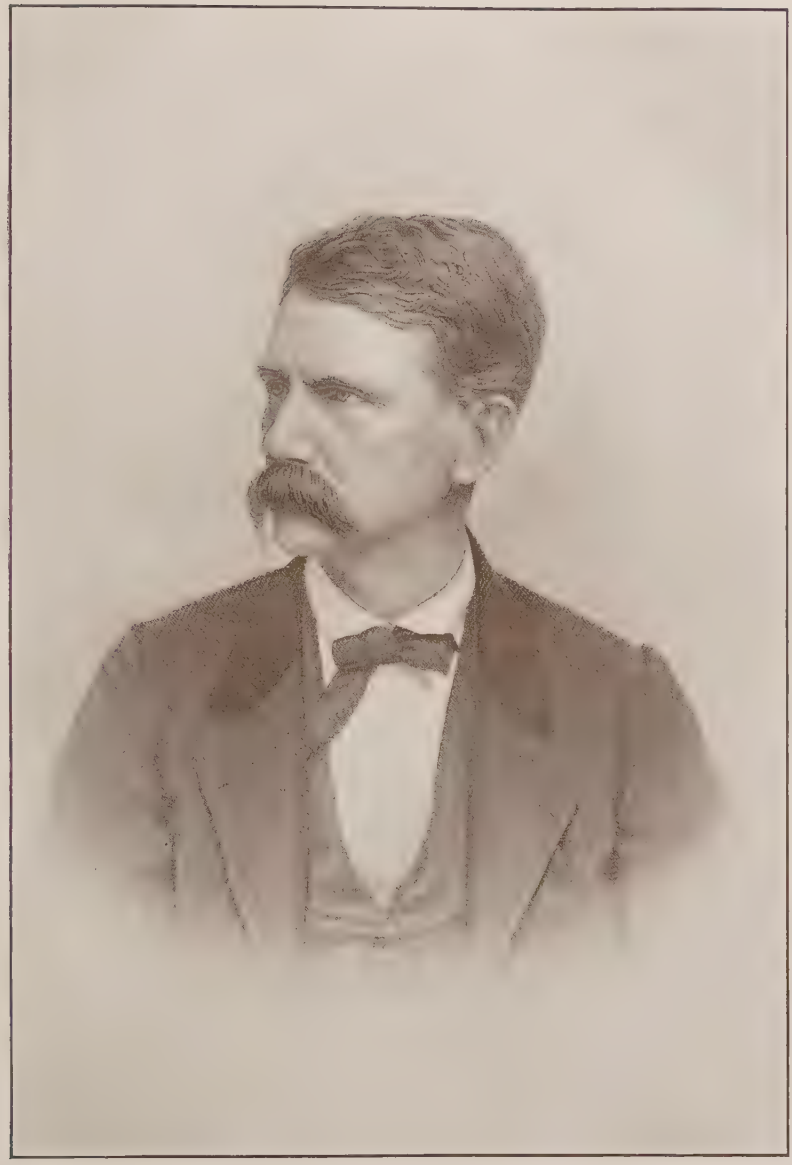
As late as Feb. 18, 1861, when war seemed inevitable and after most of the cotton states had seceded, at an election held to select delegates to a convention to consider and decide Missouri's relation to the Federal government, she gave a majority of 80,000 for the Union, not one secessionist being returned as a delegate. At that time her population, politically considered, may be stated as follows: (1) An overwhelming majority were Union men, half "conditional," the other half "unconditional"; (2) Strange as it may appear to a rational being now, an overwhelming majority were for "armed neutrality," a thing absolutely preposterous in its nature, but it must be remembered that while the bulk of the people were for the Union, nine-tenths of them were of Southern blood, birth or lineage, hence they were torn by contending emotions; (3) A small number of out-and-out secessionists; (4) About the same number of Republicans.

On Jan. 3, 1861, the outgoing governor, Robert M.

Stewart, a New Yorker, sent in his valedictory message in which he spoke forcefully of state rights, declared for "armed neutrality," denounced the North for the idea of a war for coercion and the South for secession, and wound up with a glowing panegyric on the Union, declaring that if war should come Missouri would adhere to the Union. In six months he was drumming up volunteers for the Union army, though he never did any fighting. On that same January 3, the incoming governor, Claiborne F. Jackson, delivered his inaugural. A Kentuckian by birth, a Virginian by descent, he did not mince words. Declaring his and Missouri's warm attachment to the Union, he denounced the Republican party as sectional and dangerous, declared boldly against a war for coercion, and announced that if war should come, Missouri's proper place was with her sister states of the South. When the tug of war came he took command of the state troops, won the battle of Carthage and died in Arkansas in 1862.

Stewart's message and Jackson's inaugural fairly reflected the dominant feeling in Missouri, almost unanimous in the hope that war might be averted; divided if it came; mystified as to what would happen.

In this condition of uncertainty and perplexity the one factor which determined Missouri's status was Frank Blair, a Kentuckian, born and reared a Democrat of the Jackson-Benton school, subsequently a major-general commanding a corps in the Union army, a Democratic United States senator and a Democratic nominee for vice-president. He had no misgivings on the subject. With clear vision he saw the war for coercion and, while others were dawdling and hair-splitting, he prepared for his part in the bloody drama and made ready to force



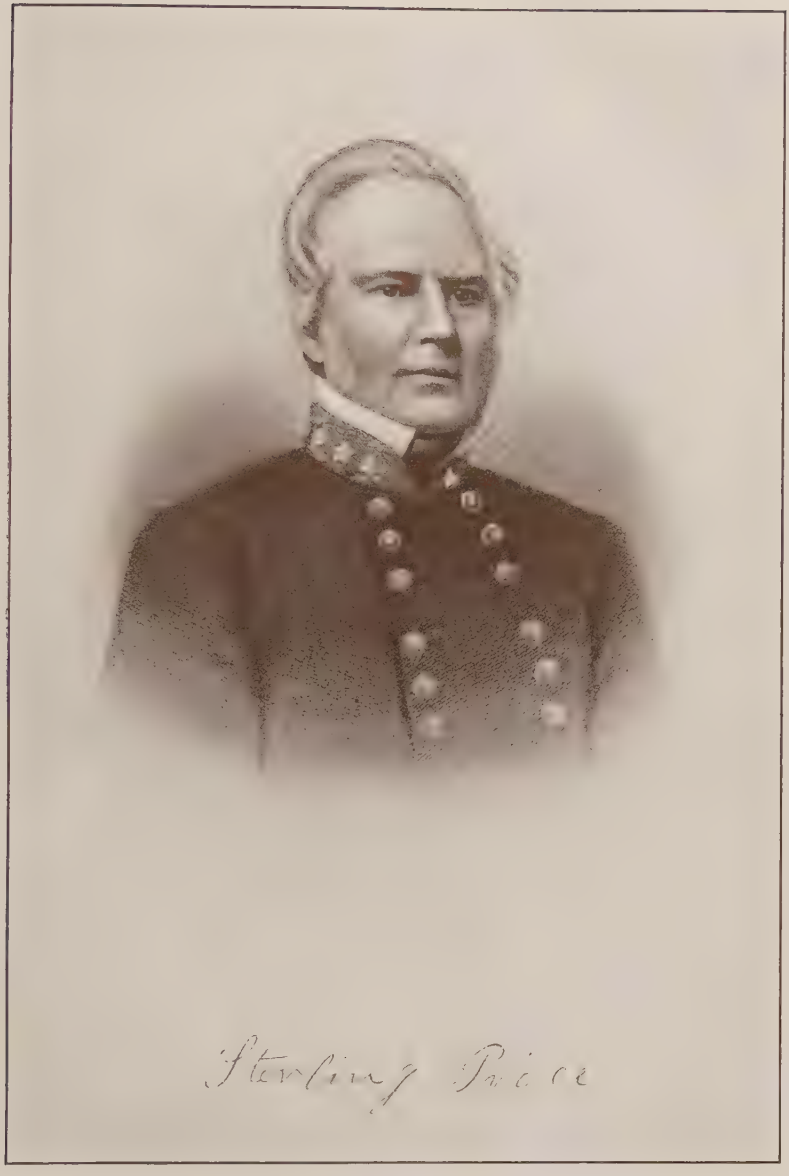
FRANK P. BLAIR.

Missouri to fight for the Union. To him more than to all others was due the result of the election of Union delegates to the convention. In spite of the objections of his Republican friends, he made up the Union ticket for St. Louis county, including the City of St. Louis, as follows: seven Douglas men, three Bell men and four Lincoln men, and swept the county by 5,000 majority. He advised and secured like action throughout the state and his victory was overwhelming. At the same time he was converting the Lincoln Wide-Awake political clubs into military companies under reliable drill masters and arming them as rapidly as possible with money furnished him by friends in the North. So thoroughly was his work done that when in April, 1861, President Lincoln made his requisition on Governor Jackson for four regiments, which requisition Jackson scornfully refused to recognize, Blair immediately tendered ten full regiments which were promptly sworn into the service and thereby Missouri's fate was sealed. Part of these troops were armed with guns from the St. Louis arsenal, which contained 60,000 muskets with accoutrements and ammunition. Governor Jackson contemplated seizing the arsenal. Had he done so and armed his adherents there is no doubt he could have taken Missouri out of the Union; and he could have captured the arsenal by simply knocking on the door, for in January the commanding officer was one who would have been glad to turn it over to Jackson; but the governor delayed so long that it gave Blair time to persuade the Washington authorities to place the arsenal in charge of Capt. Nathaniel Lyon, subsequently a Union brigadier, who fell at Wilson's Creek. Nothing but a fight to the death would have taken the arsenal from Lyon, and thus was Missouri and her vast resources lost to the South irrevocably

in the war. Nearly 1,000 battles, great and small, were fought upon her soil; much of her territory was desolated by fire and sword, but while she furnished about 60,000 soldiers to the Confederate armies, she sent 109,000 into the service of the Union, thus sending to both armies more soldiers than she had voters in 1860. All this might have been reversed and could have been had Governor Jackson seized the arsenal with its 60,000 stands of arms, together with a vast quantity of the munitions of war and the machinery for making more.

As before stated, not one avowed secessionist was elected to the state convention; the policy of coercion soon drove several members into the Confederate army, among them Gen. Sterling Price, its president, who had been a representative in Congress, brigadier in the Mexican War and governor of the state. He was the best beloved man in Missouri and had he been an original secessionist and had begun preparations for war as soon as Blair did, he might have taken Missouri into the Confederacy; but he was a "conditional Union man"; was elected president of the convention as such, and did not make up his mind to fight with the Confederates till Blair's tactics, political and military, had fixed Missouri on the Union side.

The convention soon usurped all governmental functions, legislative, judicial and executive; ousted all officers, state and county; openly disregarded statutes enacted by the legislature, and appointed one of its members, Hamilton R. Gamble, a Virginian, governor, and Willard P. Hall, another Virginian, lieutenant-governor, who on the death of Gamble early in 1864 succeeded to the governorship. They were both men of capacity and high character and did their best to prevent outrages on persons and property; but even they could not prevent count-



Sterling Price

less crimes and untold misery. Shortly after the war began the Unionists divided into two hostile factions, Radicals and Moderates. Such men as Gamble and Hall led the moderates and President Lincoln, in a general way, sustained them, and fortunate for Missouri that he did.

In 1864 a mock election was held; soldiers swarmed at the polls, browbeating the voters so that only 101,937 votes were cast, whereas 165,000 were cast in 1860; Thomas C. Fletcher, Republican, the first native governor of Missouri, was elected; the Radicals had possession of all the governmental machinery; and then began a wild orgy which was a disgrace to modern civilization. In 1865 they adopted a constitution known as the "Drake Constitution," containing a "test oath" which ran counter to every principle of liberty and which disfranchised thousands of the best men in Missouri. In order to vote, sit on a jury, hold any office, teach, preach or perform any public or semi-public function, a man must swear that he not only did not fight in the Confederate army or in any way give aid and comfort to the Confederacy or to any Confederate, but that he had never sympathized with anybody in the Confederacy—an oath which few Missourians could take honestly. To do any of the things prohibited without taking the test oath was made a crime punishable by fine and imprisonment. Frank Blair, the creator of the Republican party in Missouri, a corps commander in the Union army, offered to vote. The election judges demanded that he take the test oath, which he refused to do, saying: "If I take that oath, I commit perjury. I fought four years to destroy the Confederacy and would fight four years more if necessary. I never sympathized with the Confederacy; but I did sympathize with my kin, my friends and neighbors who were

in the Confederacy." The judges would not let him vote; he sued the judges to test the constitutionality of the test oath; the Radical Circuit and Supreme Courts of Missouri held it constitutional, but the Republican Supreme Court of the United States declared it unconstitutional and contrary to the genius of our institutions. Thousands of preachers and others were indicted and punished under that un-American test oath. General Blair, disgusted with such performances, left the Republican party and put the Democratic party of Missouri on its feet again and it has been dominant in the state ever since.

It will seem incredible to many that the Union leaders in Missouri were with only a few exceptions Kentuckians, Virginians, Tennesseeans and North Carolinians or their descendants. Frank Blair, B. Gratz Brown, United States senator, vice-presidential candidate; Gen. John B. Henderson, Col. James O. Broadhead, Major James S. Rollins, Gov. Hamilton R. Gamble, Gov. Willard P. Hall, Edward Bates, Lincoln's first attorney-general, Samuel T. Glover, John D. Coalter and Gen. Alexander W. Doniphan all belonged to that class, as did also most of the minor leaders. The secession leaders and those leaders who were not secessionists but who joined the Confederates because of the coercion policy of the Federal administration were of precisely the same class. At their head was Governor Jackson, whose spirit was as intrepid as Blair's, generals Price, Harris, Parsons, Slack, Clark, Marmaduke, Cockrell, Bowen, Green, Raines and Shelby, Col. Thomas L. Snead, Colonel Weightman, Lieutenant-Governor Thomas C. Reynolds, United States senators Polk and Johnson, Ex-United States senators Green and Atchison, the future United States senator George G. Vest, and nearly all the minor leaders came from

the same states as the Union leaders or were descended from parents from those states. In many instances they were of the same blood. Consequently confusion worse confounded reigned in Missouri from the beginning to the end of hostilities.

Growth of Missouri 1820-1865.

Notwithstanding the difficult conditions prevailing in Missouri, she continued to grow constantly in population and wealth. Coming into the Union in 1821, the twenty-fourth state in wealth and population, in 1860 she had jumped to eighth place and was growing faster than ever before. That year her population was 1,182,000 and her taxable wealth was $501,214,398—about two-fifths of her real wealth. She had an abundance of public buildings and public institutions of every kind. She had brought her educational system up to date and was in every way prospering greatly. Even the ravages of war and the wild extravagance, waste and thievery which succeeded it did not stop her growth. It scarcely retarded it. Had it not been for the war, there can be little doubt that this day Missouri, instead of being the fifth state in the Union in population, would be third. Even as it is she is in the race for the first place, her competitors for that post of honor being New York, Pennsylvania, Illinois and Texas.

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CHAPTER IV.

MISSOURI SINCE THE WAR OF SECESSION, 1865-1909.

Condition in 1865.

Missouri is a central state. Classified as southern because its dominant citizenship in the early days was from south of the Ohio River, bringing slavery to the state, Missouri has become in later years central in social characteristics as it has always been in situation. Since the close of the War of Secession Missouri has found herself. The bitterness of border strife has disappeared. The rancor aroused by the war is no more. Immigration has

come from all sections, and the new Missouri, builded upon the old, partakes of the qualities of all sections. Perhaps in no state is such admixture of south and north, west and east, as in the Missouri that has come to be since the war.

During the War of Secession Missouri sent to Northern armies over 100,000 men and to Southern armies over 50,000 men, a larger number in proportion to population than any other state. Missouri kept her *quota* full without draft or forced enlistment in both armies, a record unequaled. The state's citizenship was of fighting stock. When the war ended, the same energy shown in warfare was transferred to soberer pursuits. The state had been devastated by contending troops. Everywhere schools were closed, commerce languished, fields were uncultivated. It was to the task of remaking a state that the returning soldiers addressed themselves. Slavery had been abolished by popular vote, Missouri being second only to Maryland in taking voluntarily this action. The war government had been, though extra-constitutional, strong and efficient. No scenes of disorder, no race conflicts, followed in the wake of peace. A new state constitution was framed, drastic in political provisions, requiring the so-called "Iron-clad Oath" to be taken by all suspected of sympathy with the Confederacy, but a constitution with liberal provision for education. The objectionable oath was declared unconstitutional by the United States Supreme Court, and with it disappeared the last vestige of partisan reconstructive legislation in Missouri. Liberal provision for education remained.

Industrial Progress and Growth of Population.

The industrial development of Missouri promptly began. Missouri was no longer, as in the earlier

years, a frontier state. Economically it was speedily to become the most independent in the Union. It had been and was—and is—an agricultural state; it was now to become a state rich in opened mines, in established manufacture and in wide-spreading commerce. The extension of the railroad systems hastened development. The Missouri Pacific, the Missouri, Kansas and Texas, the Burlington, the Wabash, the Chicago and Alton, and the St. Louis and San Francisco railroads built hundreds of miles of tracks. Towns grew where hamlets had been, and cities succeeded villages. "Here is good location for a depot," said the railway builder; and there, promptly, was a town. The towns founded by railroads were sustained by agriculture. Before the war and until the early seventies transportation was largely by water. The centre of commerce was the river town. With the coming of the locomotive the railway station platform succeeded the steamboat wharf. Missouri life had been concentrated on its great rivers and the lesser streams. The earlier settlers stayed close by the water courses. In the first two decades after the war, population pushed on to the prairies of north Missouri and to the rolling lands and mineral fields of the Southwest. Another decade and southeast Missouri, where had been the first settlements, received an influx of immigrants. Stimulation of agriculture accompanied the additional transportation facilities which the railroad gave, and the state's population grew apace. In 1860 its inhabitants numbered 1,182,012. In 1900, forty years afterward, the inhabitants of Missouri numbered 3,106,665, nearly three times as many as were shown by the Federal census taken at the opening of the war. There were seventeen inhabitants to the square mile in 1860; there were forty-five in 1900. The relative rank of Missouri in popu-

lation among American states had grown from eighth to fifth.

The population growth was largely from Iowa, Illinois, Indiana, Kentucky, and states further to the eastward. Foreign immigration, chiefly German and Irish, was not large. The pioneers in Missouri had been of sturdy stock. Three gates had opened wide then toward Missouri. The Spanish came through the lower water gate in search of gold; the French through the upper water gate in quest of adventure or led by Marquette's noble missionary zeal; through the mountain gate from the eastward came the Virginians, their children of Kentucky, and in later times the Scotch-Irish. The Spanish are remembered in Missouri by an occasional name of town or river, and the French in the same wise or by some ancient family tree. The colonists from east of the Appalachians, seeking homes, were the real founders of the state. They builded homes. They constituted a brave, intelligent, patriotic citizenship. They founded a state in the wilderness and equipped it with all the machinery of government a year before the Congress of the United States could make up its mind to admit the sturdy youngster to sit full-privileged at the republic's council-table. They were of genuine pioneer stock. Some peoples will not bear transplanting; even in the wilderness others are the architects of states. Of the latter were the settlers in Missouri, hardy, dominant and daring. Missouri, a very Titan for strength, is the product of their handiwork, while every state from the Father of Waters to the Golden Gate shows their skill in commonwealth-construction. To understand the Missouri since the war there must be understanding of the Missouri before that stressful period. The foundations were laid then broad and deep. Its people have been both

house-builders and colonizers. The early Missourians had been church-going and school-encouraging. They had respect for law. No vigilance committee was needed to preserve order even in the most primitive community. In the first constitution Missourians recognized the providence of God, provided for the establishment of free schools, and planned for a state seminary of learning. One interior county, with population of a scant few hundred, gave, seventy years ago, by subscription, $117,000 for the founding of a college, a farmer, who could neither read nor write, heading the voluntary subscription list with $3,000, a gift, considering time and circumstance, more princely than that of any modern millionaire. It is not strange that, with such ancestry, with the newer population, the Missouri of to-day should have the largest revenue-producing, permanent school fund of any state, give fifteen million dollars yearly to public education, set apart one-third of the entire state revenue to the support of the public schools, have 2 per cent. more children in school than the average for the United States, more than 4 per cent. fewer illiterates, and a church bell in earshot of every citizen.

The population in recent years has had some admixture of foreign elements. This admixture has been of thrifty, easily assimilated, rather than of thriftless, unhomogeneous kind. Of the foreign-born citizens of Missouri—only 7 per cent. of the total population—there are 124,000 Teutons, 27,000 Irish, 14,000 Slavs. In the first state to the eastward—Illinois—where the foreign-born population constitutes 20 per cent. of the whole, 385,000 are Teutons, 130,000 Irish and 140,000 Slavs. Though Missouri sends many of her sons and daughters to colonize western and southwestern and northwestern states, 70 per cent. of the present population was

born in Missouri, a striking commentary upon the homestead-loving character of the people. Such a population might well be expected to own its own homes. There are for 3,106,665 inhabitants 646,872 homes. Nor is the expectation contrary to the census facts. Conditions may best be shown by comparison. In homes owned free of encumbrance Missouri outranks Illinois, Alabama, Maryland, Pennsylvania, Connecticut, Massachusetts, New York, Rhode Island and New Jersey. Missouri outranks all neighboring states in farmhouses owned free of encumbrance. Texas, Kansas, Illinois, Nebraska, Iowa, each has a larger percentage of mortgage-encumbered farms than Missouri. Missourians are home-builders and home-owners. They have not outgrown the love of homestead.

The history of Missouri since the war has been a story of progress. The spirit of Missouri has been the spirit of a community conscious of its own secure position, somewhat too careless at times of the world's opinion, yet progressive withal. This spirit has found expression in the changing industrial development of Missouri. It is yet chiefly an agricultural state, but its industrial development along other lines has been large and rapid. In manufactures and in mining the advance has been notable. St. Louis is the greatest shoe-manufacturing centre in the United States. The mineral output of Missouri—mainly lead and zinc and coal—exceeds the mineral output of California or Colorado. Agriculture continues the chief business of its people, the base of its accumulating wealth. Outside the three great cities in Missouri, St. Louis, Kansas City and St. Joseph, only 7.6 per cent. of the state's population live in towns of over 4,000 inhabitants. Farming is the foundation of the state's fortune. Taking Jefferson City, the capital of the state, as

a centre, within 250 miles are the centre of the area of farm values of the United States, the centre of the total number of farms, the centre of oat production, the centre of gross farm income, the centre of improved farm acreage, the centre of the production of the six leading cereals. The growth in population has been on the farms as well as in the cities.

St. Louis.

Missouri is rightly regarded as an agricultural state, but within its borders have grown up three cities of over 100,000 inhabitants, a larger number than in any other state in the Union, except five. St. Louis, the metropolis of Missouri and the chief city of the southwest, is the only city in the United States which by special constitutional enactment is a city without a county organization. It is indeed a free city.

The War of Secession period was in St. Louis a time of feverish excitement and bitter political animosities. Largely Southern in its sympathies, St. Louis took place in the war history as the American city that kept its state in the Union against the will of the majority of the state's people. Following the close of the war there was a period of stagnation in St. Louis. The fever of war time had quieted and healthy growth had not begun. Within a dozen years, however, the spirit of progress was awakened and the new St. Louis, preëminent in its dominance of the southwest territory, was in the making. In 1876 the so-called "scheme and charter" was adopted, making St. Louis an independent city without county government or taxation. This has been called the birth of the new St. Louis. Certainly it is true that from this time the Missouri metropolis speedily took rank among the great cities of the Union. In 1884 the first St. Louis Exposition was

held, being the beginning of the most successful permanent exposition known in American history and giving assurance of the success of the World's Fair held in St. Louis in 1904, to celebrate the centennial of the acquisition by Thomas Jefferson of the Louisiana territory. In 1884 also the local movement for rapid transit street railway facilities was inaugurated, culminating ultimately in securing a street car service which has made St. Louis notable for its easily accessible and spacious residence sections, as well as for its business districts. Local capital, reinforced by outside investments, attracted by the industrial and commercial possibilities of the gateway to the southwest, began its transforming influence. There was a marked increase in the number, capitalization and influence of local banks and trust companies. In addition and as a singularly helpful force, the development of St. Louis as a railway centre went forward. Two new bridges spanned the Mississippi and now a third has been voted, to be erected—free forever—by local taxation. The Union Station, the largest in the world, was completed in 1893. It was in that same year that St. Louis gained the title of the "solid city," because none of its banks or business houses failed in the panic and St. Louis city 4 per cent. renewal bonds were placed in London at par. The mainspring of the growth of a city, as of its prosperity, is its commerce. Pierre Liguest Laclede founded St. Louis where it is because, applying the rude rules which the pioneers had learned from their trafficking, he saw that the site would control commercially a vast territory. The growth of railway mileage in the last twenty years has been large in the west and southwest, the sections where the influence of St. Louis is largest and of which it is the metropolis and trade centre. The admission of Oklahoma as a

state and the increased population of the entire southwest has added to the material greatness of St. Louis. It is now a city of more than three-quarters of a million population, the fourth in population in the United States.

St. Louis, as the World's Fair city, achieved large distinction. Contrary to the expectation of many, there was no business reaction following the Fair, but instead a continuing development. St. Louis now takes rank as the fourth manufacturing city in the world. It covers an area of eighty-three square miles, has twenty miles of river frontage and is the terminal point for twenty-four railway lines. Within fifty miles of St. Louis there is a population of 4,000,000 and 90,000 miles of railroad. This gives field for a great city. St. Louis now leads the world in the manufacture of boots and shoes, as a primary fur market, in the manufacture of tobacco, as a hardware distributive point, and in other lines of commerce and transportation. St. Louis boasts a blended population, potent for commercial and civic development. Following the French, who had been the earliest settlers, in the course of years Kentucky had joined Virginia, Tennessee and the Carolinas in contribution of strong blood for the city's upbuilding. "There had been a heavy accession of Germans, due to national discontent culminating in the revolution of 1848 in Germany and resulting in the emigration of Germans by thousands. These people in St. Louis have been thrifty, home-making, commercially acute to a marked degree and of admirable citizenship material. The increase of Irish citizens was also notable, constituting an element that has lent its best efforts to the service of St. Louis. The New England contingent has been materially strengthened, an enterprising, resolute and valuable component part of the local population."

Other Cities.

The two other great cities of Missouri, Kansas City and St. Joseph, are even more than St. Louis parts of the history of Missouri since the war. While both were incorporated as towns before the war, Kansas City in 1853 and St. Joseph in 1851, both have come into their own within the last two decades. Kansas City suffered for a time in the seventies from the baneful effects of an exploded real estate boom. A few years, however, changed conditions and this stirring city has now an established reputation for financial strength. Within the corporate limits of Kansas City, Kansas, and Kansas City, Missouri, cities divided merely by an imaginary state line, are nearly 300,000 inhabitants. The city is the centre of an unexcelled trade territory. Where Joseph Robidoux, a French trader, settled, in 1838, at the foot of the Black Snake Hills, in northwestern Missouri, is now the city of St. Joseph, with over 100,000 inhabitants, doubled in population in a single decade, in the centre of a fertile agricultural country. Both Kansas City and St. Joseph are on the eastern border of the region once known in history and geography as the great American desert or the great plains, now known as one of the nation's most productive farm sections.

Mining.

No material development in Missouri in the last quarter of a century has been more remarkable and romantic than that told in the history of the southwest section. Here are the lead and zinc mines, from which three-fourths of the world's supply of these minerals is taken, and here is Joplin, "the town that Jack built," now a city of 40,000 people. The history of the rich mining field dates back to August, 1870, though there had been scattered

mining of jack before that time. It was in 1870, however, that mining began in earnest. Since that time the millions of tons of mineral brought from below the surface of the earth have placed "the Joplin district" among the world's great mining fields. Southward of St. Louis is the Flat River mining district, rich in lead. The development of this district has been marked. Of large historical importance as indicating the material progress of Missouri is the reclamation for agricultural use of a considerable acreage in southeast Missouri. Much land there, of almost fabulous fertility, was under water during several months of each year or all the year. By a system of ditching, the land was drained and a territory almost as large as cultivable Egypt was added to the productive area of Missouri. Immigration, of course, rapidly followed, and as the area thus reclaimed is increased the population and wealth of that important section of the state grows by leaps and bounds.

Agriculture.

The agricultural development of the entire state has been marked. The agricultural acreage has particularly increased in the drained districts and the cultivation of this acreage has become more intensive. The farmer's wealth has grown. Twenty years ago he brought his family to town or to church in a two-horse farm wagon. He has instead to-day a surrey with rubber tires or an automobile. Rural telephones and rural mail delivery have made the farmer and his family less isolated, but improved methods of farming in Missouri had preceded these. The state early accepted the foundation gift of the Federal government and established an agricultural college and agricultural experiment station, locating them wisely in connection with its State University.

A state board of agriculture was created, which disseminated information upon farm topics. The fine result of the state's interest in agriculture was the stimulation of better farm methods and the inauguration of better farm conditions. In the later eighties there was a stream of immigration from the high-priced farm lands of Iowa and Illinois to the then cheaper farm lands of Missouri. About the same time the agricultural development began to bear fruit. Farm lands increased in value because of the increased demand and because of the increased revenue which it was found they would yield. The Missouri farmer is the bank depositor, the solid citizen of the state. Corn became king in Missouri agriculture. Practically one-half of the annual harvest of the state is corn. Wheat amounts to one-fifth, and all other farm crops to three-tenths. Of the state's 45,425,000 acres, 33,997,883 acres are included in farms. This stamps the state as an agricultural commonwealth. The farms, averaging in size a fraction less than 120 acres, had an aggregate value of over a billion dollars. Agriculture, formerly confined mainly to the river counties, gradually spread until all Missouri has come into cultivation for agricultural purposes. The number of growing crops increased with the added intensity of cultivation until the Missouri farm has now an unexcelled variety of valuable crops. And the Missouri farmer, by the new methods of agriculture, has come to have no lean years. Feast does not alternate with famine.

Education.

The school has grown with the farm. The public educational system of the state provided for primary schools, high schools, normal schools for the professional training of teachers, and for a state uni-

versity. In early years there were academies and colleges supported by churches or private endowment. Some of these yet remain doing excellent work. The academies were the forerunners of the present free high schools. They did almost nothing within the higher branches of knowledge until the wonderful development of the state school system provided the public high school for the field occupied by the academy. To avoid competition with the free school and to avert a new demand, that for higher education, some academies took up more nearly the work of the college. Others passed out of existence. The stronger church colleges added to their endowment and field of usefulness. The chief educational development since the war has been, however, in the public school system. The original constitution of the state, adopted in 1820, made provision for free schools and urged upon the legislature the establishment of a state university. In the language of the revised constitution of 1865, "a general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free schools for the gratuitous instruction of all persons in the state between the ages of five and twenty-one years." The constitutional revision of 1875 changed the period of free schooling to that between the ages of six and twenty years. With the decadence of the old sentiments which brought the private schools into existence, the public school took on new life and power. Support came more cheerfully, better equipment resulted, and teachers of higher qualifications were in demand. A united pride in the public school and the willing support gave it a growth and prosperity in Missouri which have been known in few states. Within the last decade Missouri has perhaps invested a larger per-

centage of her wealth in public school property than has any other state in the same period. This is especially true of the high school. Only a generation ago the schools of this class in Missouri could be enumerated in numbers of one figure; to-day they are numbered by hundreds, and the growth in efficiency seems to have been commensurate with the growth in number. As late as 1890 only twenty-three high schools were accredited by the State University. Now nearly 200 are so accredited, notwithstanding the requirements for such honor have been largely increased within this period. The popularity of the public high school, as marked by this increased equipment and greater number, is well founded and will endure. A much larger percentage of Missouri children are now in school, a larger percentage of the entire school enrollment are now in the public high school, and a larger percentage of the population are now in higher institutions of learning than at any previous time. Moreover, these facts indicate the result of a growth in educational sentiment, not merely an expression of increased wealth. The state normal schools and the new State University are parts of the history of educational growth since the war in Missouri. The first state normal school was established in 1871, later others, in different sections of the state, were added, until to-day there are five. While the State University had been suggested in the state constitution of 1820, it was not until 1839 that the legislature founded such an institution, and it depended upon tuition fees and local contributions for its support until the early seventies. Within the last decade the legislature, spurred on by the educational sentiment of the state, has appropriated generously to its upbuilding and maintenance. The result is a state university on a plane with those of first rank

in the nation. Missouri has two other universities of large endowment and usefulness, Washington University and St. Louis University, both in St. Louis. St. Louis University is under the patronage of the Catholic church, while Washington University rests upon private foundation.

Intellectual Life.

School and church and the more leisurely social life of recent years have encouraged intellectual output. Missourians have added much since the war to the nation's literature. The greatest American humorist, Mark Twain (Samuel L. Clemens), was born in Monroe county, Missouri, and grew to manhood in this state. In Missouri was born and educated the children's poet, Eugene Field, and here he did his first literary work. The most popular historical novel in recent years is by a Missourian, Winston Churchill, and has its scene laid in Missouri. The *Little Book of Missouri Verse,* edited by J. S. Snoddy, and *Missouri Literature,* edited by President R. H. Jesse and Dr. E. A. Allen, contain the names and extracts from the excellent works of Missouri authors in verse and prose. The *Missouri Bibliography,* compiled by F. A. Sampson, of Columbia, secretary of the State Historical Society, contains the titles of one thousand five hundred volumes by Missourians. Among them are William Vincent Byars, William F. Switzler, J. M. Greenwood, William Marion Reedy, Henry M. Blossom, George W. Ferrel, E. R. Taylor, John T. Hughes, John D. Lawson, Frank Thilly, W. V. N. Bay, John F. Darby, Alexander Majors, R. E. Lee Gibson, John N. Edwards, Raymond Weeks, Hugh A. Garland, Constance Faunt Le Roy Runcie, W. R. Hereford, C. L. Phifer, Lee Merriwether, W. P. King, Thomas L. Snead, Robertus Love, Claude H. Wetmore, F. H.

Sosey, L. W. Allen, Champ Clark, Kate Field, James K. Hosmer, John R. Musick, James Newton Baskett, W. T. Moore, J. H. Garrison, E. A. Allen, R. M. Field, W. R. Hollister, Harry Norman, D. C. Allen, N. C. Kouns, J. W. Buel, C. M. Woodward, Henry Tudor, D. R. McAnally, Ernest McGaffey, and Denton J. Snider. Missouri newspapers are well-edited, widely circulated and influential. There is no county without a daily or weekly newspaper. Every shade of political, social and religious thought is represented. In 426 cities, towns and villages are published the 992 newspapers and magazines of the state. Of these, eighty-seven are daily, fourteen semi-weekly, 746 weekly, four fortnightly, ten semi-monthly, 119 monthly, three bi-monthly, and nine quarterly. The *Missouri Gazette*—now the *St. Louis Republic*—is the oldest Missouri newspaper. Its publication dates to 1808. The *Palmyra Spectator* is the oldest weekly newspaper continuously in one family.

Political Conditions.

The political history of Missouri since the war has developed no radical partisanship. The issues have been largely economic, except while the fever of war days was yet unabated. Negro suffrage, while the shadow of the civil strife was still dark on the land, caused the first hard-fought battle at the polls. Shall the negro, now a free man, be permitted to vote? The legislature in 1867 had submitted an amendment to the state constitution giving the negro the right to vote. The people, at the election of 1868, refused by a majority of nearly 19,000 to adopt the amendment. In 1870 the question arose in the legislature and the legislature, practically unanimously, gave suffrage to the negro. The negro population has been slowly decreasing in proportion to the white population and numbers only 5 per cent. of the

state's total. Following the settlement of the question of negro suffrage came a political campaign, growing out of the war differences. There were two political parties, the Democratic and the Republican. A campaign was waged to repeal the constitutional provisions which denied suffrage to men who had sympathized with the Confederacy. The Republican party was rent by dissensions. One element wished immediately to repeal all such legislative provisions. Another element in the Republican party opposed such repeal. The result was a division, two Republican tickets for state officers, the success of the so-called Liberal Republicans and the repeal of the objectionable provisions. The United States supreme court overthrew "the test oath," and there was manhood suffrage in Missouri from 1870 without regard to race, color or previous political sympathy.

The victory of the Liberal Republicans was followed by Democratic triumph at the election of 1872, and for over thirty years the state kept the Democratic party in power. The state was, however, carried by the Republican candidates for president in 1904 and 1908, and on other occasions elected state tickets partly or entirely Republican. Partisan political lines are less closely drawn. Politically the state is well-nigh equally divided between the two great parties. Though it has voted, with the exceptions noted, the Democratic ticket by varying pluralities for three decades, Missouri casts more Republican ballots than any other state except New York, Pennsylvania, Ohio, Illinois and Indiana.

Railroad debts caused much trouble in 1872 in many Missouri counties. Under the constitution of 1865 county courts were permitted to issue bonds for railroad building when two-thirds of the qualified voters gave their consent. In some instances the

county courts were composed of ignorant or corrupt men. In others the "qualified voters" were men with little interest in the welfare of the community. Many voters were disfranchised under the constitution. The result of dishonesty and ignorance on the part of courts and people was that some $15,000,000 of debt in railroad bonds was saddled on the people to pay for railroads that were never built. The bonds were sold to parties in New York or elsewhere, who forced the payment. The parties who bought the bonds claimed they did not know of any fraud or sharp practice in their issuing. In several counties the people resisted the payment of these debts, claiming the railroads were never built, and the entire state was stirred with excitement. In some cases the parties who issued the bonds were attacked. In Cass county a judge, the prosecuting attorney and one of his bondmen were killed by a mob of enraged citizens. Bitterness spread to other counties and it was months before the feeling was allayed. The courts decided the bonds were legally issued and the counties must pay. After some years all the bonds were paid in full or, upon a compromise, agreed to by both sides, paid in part. The state also had railroad debts. Before the War of Secession the state had issued bonds to the amount of $23,701,000 in aid of the building of railroads. The railroads in return agreed to pay the interest on the bonds and to forfeit to the state the roads if the interest was not paid. One railroad—the Hannibal and St. Joseph—paid its bonds and the interest. The other railroads failed to do so and were forfeited to the state. The state sold them at a low price, not enough to pay the debt. The debt which remained was over $31,000,000, including principal and accumulated interest. This debt, largely caused by the aid of railroad construction, has since been

paid in full. It cost the state, in principal and interest, many millions, however, before it was finally settled. Missouri now has no bonded debt.

The financial depression of 1873 was felt in Missouri as throughout the entire nation. The governor, in a special message to the legislature, recommended that during the deep business depression governmental expenses be reduced to the minimum. The recommendation was adopted by the legislature and nearly one-half the expenses were cut off. As a political result of the depression the Grange was formed. What has caused hard times? The reply which many made was: bad legislation. It was sought to unite all farmers and other workingmen into an organization to correct the evils. Thus came into existence in Missouri the Grange, sometimes called the Patrons of Husbandry. The organization was chiefly composed of farmers. No lawyers, bankers or merchants were admitted. Particularly strong in the agricultural districts, the Grange entered politics and had, in 1874, a candidate for governor. He was unsuccessful, however, at the polls and the Grange soon disappeared as a political force. Legislation for the reduction of railroad rates was demanded by the Grange. Growing public sentiment favored such legislation, and, in 1887, there was a hard fight in the General Assembly to enact such measures. Failing to secure adequate laws at the regular session of the General Assembly, a special session was called. At the special session laws forbidding railroads to charge lower rates per car to large than to small shippers and forbidding them to charge higher rates for short distances than for longer distances over the same road and to the same market, were passed. These were among the first fruits of the popular agitation for railroad legislation, afterward so general in the United States. The

free silver issue, prominent in national politics in 1896, found in Missouri its earliest and one of its ablest champions, Richard P. Bland, member of Congress.

In 1875 the people of Missouri adopted a new constitution, the third in the history of the state. Unsatisfied with the drastic provisions of the constitution of 1865, the voters in 1874 authorized the calling of a convention to frame a new constitution. The convention framed a new organic law and adopted it unanimously. The people shortly afterward ratified the constitution and made it the supreme law of the state. The constitution contained stringent provisions upon the power of taxation, lengthened the terms of many state officers from two to four years and contained many new and wise provisions.

Sentiment for more rigid control of the sale of liquor has grown in Missouri. In 1887 a stringent law was enacted on the subject, giving to a locality the right to say, by majority vote, whether or not intoxicating liquor should be sold as a beverage in that locality. Elections were held in many towns and counties and there was much excitement. A considerable majority of the towns and counties voted against the sale of liquor as a beverage. Because of legal defects some elections were held by the courts to be invalid. In 1906 and subsequently the agitation was renewed and saloons were banished from a large area.

The uncovering of corruption in the municipal assembly of St. Louis attracted in 1903 the attention of the entire nation. The circuit attorney, Joseph W. Folk, discovered that franchises to own and operate public utilities had been procured from the municipal assembly by bribery. He indicted and convicted the boodlers, after a series of sensa-

tional episodes. The result was an awakening of the public conscience toward civic righteousness that went, in its good effects, far beyond the limits of Missouri.

With the successful holding of a World's Fair at St. Louis in 1904 Missouri entered upon a new era of material prosperity. The state by popular vote appropriated a million dollars—the only instance in history where an American state by popular suffrage voted an appropriation for exposition purposes. The city of St. Louis voted $5,000,000, the citizens subscribed the same amount, and the Congress of the United States contributed an equal sum; other states and foreign governments appropriated large amounts. The result was an exposition unequalled in beauty, interest and magnitude. It celebrated the one hundredth anniversary of the purchase of the territory of Louisiana, of which Missouri is the greatest state, by the United States under the administration of President Thomas Jefferson. The exposition served most effectively to direct the eyes of the world toward Missouri and the Southwest. Immigration and industrial development have followed.

Conclusion.

The history of Missouri since the war is the history of a state coming into its own. No longer frontier, it has the sturdiness of the pioneer yet living in its civilization. Located between the 36th and 41st parallels and between the 89th and 96th meridians of west longitude, Missouri is a part of the temperate zone in which the larger work of the world is done. Government is well administered, laws are enforced, property rights held sacred, and administration of state affairs conducted with accuracy. Banks have increased in number. Diverse

industries have added to the state's wealth. Missouri has not, however, neglected those things which make for the higher life. School, church, the press are encouraged. Missouri has had an interesting and important history. At least three times within the three-quarters of a century of its life as a sovereign state has it been the central figure of national political affairs, swaying the politics of the republic. The state has given great men to the nation, the chief product of any state. Four hundred Missourians were asked to name the leaders of the state's thought, the men who had done the most for Missouri and through Missouri for the world. The list is history and popular commentary upon history. The majority named Thomas Hart Benton, Frank P. Blair, John S. Phelps, B. Gratz Brown, Richard P. Bland, Hamilton R. Gamble, James S. Green and Edward Bates, statesmen; James S. Rollins, the father of the State University; Sterling Price and A. W. Doniphan, soldiers; James B. Eads, engineer; E. M. Marvin, preacher; Eugene Field, poet; and George C. Bingham, artist.

If Missouri, which is capable of supporting as large a population in proportion to area as Egypt, equalled that land in population, there would be 64,000,000 people in this state, instead of less than 4,000,000. The state is 328 miles in extreme length from north to south, and contains 69,415 square miles. Its entire population could be placed, allowing to each a space of six square feet, upon less than a third of a square mile. The soil of Missouri is capable of yielding varied products more largely than the soil of any other country in the world. The state has space—and to spare—for millions upon millions of thrifty, industrious citizens.

The spirit of Missouri is the spirit of progress tempered by conservatism. It rejects not the old

because of its age, nor rejects the new because it is not old. It is the spirit of a community conscious of its own secure position, somewhat too careless at times of the world's opinion, hospitable, generous, brave. The dream of the greatest statesman is a nation of useful citizens dwelling in happy homes. In Missouri the dream finds realization.

The noble Latin motto of the state has ever expressed—and does—the spirit of the united citizenship: "Let the welfare of the people be the supreme law." Nobler motto there could not be for any commonwealth, for any citizen.

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THE HISTORY OF ARKANSAS.

Chapter I.

ARKANSAS FROM 1539 TO 1836.

Early Discoveries—De Soto.

THE discovery of the new world opened up a wide field for adventure. To the old world America was a fairy land of fabulous wealth. The souls of men were fired by stories of it, and men of broken fortunes or of lost reputation came flocking to America. While most of these fortune-seekers failed to accomplish their immediate purpose, they nevertheless did a far better thing—explored the new world and made known its untold resources.

The first white man to touch what is now Arkansas was one of these adventurous fortune-seekers—Hernando De Soto. With a band of 600 followers he landed in 1539 in Florida. He spent two years wandering over the Gulf region east of the Mississippi. In May, 1541, he discovered the Mississippi, called *Meschacebe* by the Indians, Rio Grande by De Soto. With hastily constructed barges he crossed probably near Helena. The next year, the last year of his eventful life, the great captain spent in traveling over what is now Arkansas. He went up the west bank of the river to northeast Arkansas, passing on the way several Indian villages. Leaving the St. Francis country De Soto journeyed southwest and stopped near Little Rock. Here the natives

told him of mountains to the northwest; hither he traveled until he reached some point in northwest Arkansas. Disappointed in not finding gold, he turned south, passed over the Boston mountains, crossed the Arkansas near Dardanelle Rock and came into the country of the Cayas, where they found "a lake of very hot water and somewhat brackish," which most students interpret as the now famous Hot Springs.*

Somewhere on the Ouachita in South Arkansas he spent the winter, which proved to be a severe one. Here he suffered an almost irreparable loss in the death of his interpreter, Juan Ortiz, a Spaniard, who, with De Narvez, had come to Florida in 1528. On the wreck of the expedition he had joined a tribe of Indians and had learned to speak their tongue. In the spring of 1542 De Soto started south for the Gulf, but made poor progress, for the hardships of the long journey and the severity of the late winter had reduced his force to 300 men of war and forty horses, the latter having gone a year unshod. Exposure and hardship brought on malarial fever, from which De Soto died. As the end approached he commissioned Moscoso as his successor, who buried the great explorer in the river which he had discovered. A recent writer has located the death and burial of De Soto at Helena.† The traditional view is that it occurred near the mouth of the Red River.‡

French Explorers.

Spain was great in exploration and conquest; her explorers were daring and imperial; they risked all. But the mother country did not follow up their work

*_Gentleman of Elvas_ in _Publications Arkansas Historical Association_, I., 484.
†_Publications Arkansas Historical Association_, I., 128.
‡For original sources bearing on De Soto's travels, see the account by Biedma and _A Gentleman of Elvas_ in French's _Historical Collections of Louisiana_, Vol. II., or for the account of that part of his journey through Arkansas, see _Publications, Arkansas Historical Association_, I., 466–499. Biedma and _A Gentleman of Elvas_ appear to have accompanied the expedition.

vigorously; settlers rarely came in the wake of the discoverer; the Spaniard would fight or hunt gold, but was loath to open farms and till the soil. These facts perhaps explain why Spain lost the splendid province of Louisiana. A more vigorous nation seized it. Though two accounts of the great explorer's travels by two companions had been published, the French in Canada a hundred and thirty years later did not know whether the Mississippi emptied into the Atlantic, the Gulf or the South Sea (Pacific). From the natives they had gathered some information about the Father of Waters. In 1673 the governor of Quebec sent Marquette, a Jesuit missionary, and Joliet, a furtrader of Quebec, to explore the river. The party went up the Fox, over the portage, down the Wisconsin and the Mississippi to the mouth of the Arkansas, where they stopped, and were hospitably entertained at a village of the "Arkansa" Indians. From them Marquette learned that the Mississippi emptied into the Gulf of Mexico; they also warned him against going further on account of the character of their enemies below. Having accomplished the object of his journey he returned to Quebec.*

Nine years later (1682) La Salle, accompanied by De Tonti, a soldier, Father Membré, a Recollect priest, and a large party of Frenchmen and Indians, descended the Mississippi to its mouth and took possession of the country in the name of his sovereign. On his way down, the Arkansas Indians at Kappa, one of their villages near the mouth of the great river named after them, entertained him royally. La Salle made a treaty of peace with them, erected a cross with the arms of France and took possession of the country in the name of his sovereign March

*Account by Marquette in *Publications Arkansas Historical Association*, I., 500 f; French's *Historical Collections of Louisiana*, Vol. II.

14, twenty-six days before performing the same act at the mouth of the Mississippi. This was the first formal declaration of sovereignty over Louisiana. Their work done, he retraced his steps.

De Tonti took charge of the forts in and about the Great Lakes, while La Salle returned to France and fitted out another expedition, this time to come up the Mississippi and to build forts at strategic points along the river. But he missed his way and landed in Texas where, after unsuccessful efforts to reach the Mississippi, he was killed. In the meantime De Tonti had gone to the mouth of the Mississippi to join La Salle. Not finding him he started back to the Great Lake region. He stopped at the mouth of the Arkansas, ascended that river a few miles, and at the request of the ten Frenchmen with him he left five under the command of Contour with directions to build a fort, later called Arkansas Post. This was about the first of May, 1686. Wishing to make the settlement permanent, De Tonti made a grant of land near the Post to the church and for three years, at his own expense, maintained a missionary there, who, besides performing his duties as a priest, instructed the natives in agriculture. Thus on Arkansas soil did France perform the first act of sovereignty and establish the first settlement and the first Catholic church in Louisiana. It was thirteen years later before the next post was established at Biloxi.*

Indians of Arkansas.

The historians of De Soto's travels through Arkansas make many references to the natives. They found many villages, some large and well fortified.

*For original accounts of French discoveries and explorations in the Mississippi valley, see Pierre Margry, *Découvertes et Établissments des Francois*, etc. (6 vols., 1878–88). A translation of most of the accounts is to be found in French's *Historical Collections of Louisiana* (7 vols.); Shea's *Discovery and Exploration of the Mississippi Valley*. A most excellent general narrative is to be found in Parkman, *La Salle and the Discovery of the Great West*.

AN INDIAN VILLAGE.

Some of the Indians were friendly, some treacherous, while still others showed fear by deserting their villages. From them De Soto secured corn and skins of the bear, the lion, the deer and the cat. They used the net in fishing. On the Ouachita they were making salt. The Arkansas Indians gave Marquette, La Salle and De Tonti a most hearty welcome. They were probably the same Indians whom De Soto found here. They feasted their guests on mush, boiled corn and roasted dog, and gave them lodging. Father Membré of La Salle's party, speaking of the Arkansas Indians, says: "The whole village came down to the shore to meet us, except the women, who ran off. I cannot tell you the civility and kindness we received from these barbarians, who brought us poles to make huts, supplied us with fire-wood during the three days we were among them, and took turns in feasting us. But this gives no idea of the good qualities of these savages, who were gay, civil and free hearted." Marquette and De Tonti found that they were living in villages and that their houses were built with logs and covered with bark. Their beds were mats placed upon rude contrivances to lift them above the dirt floor. They raised watermelons and two or three crops of corn each year. Buffalo, deer, turkey and bear abounded, but on account of the hostility of the tribes to the north, the Quapaws did not hunt buffalo north of the Arkansas. They had earthen pots, bowls and dishes. Since then Indian pottery has been found all along our rivers. The men were scantily clad, but profusely decorated with beads and paints, while the women were indifferently dressed in skins.

The French found here two great tribes—the Quapaws south, and the Osages north, of the Arkansas. They remained during French and Spanish

control and were here when the United States purchased Louisiana. They do not seem to have given the French or the Spanish any trouble, perhaps because the whites made but few settlements and required almost none of their land. Du Pratz, a planter in Louisiana (1718-34), who visited the Arkansas Indians, says of them: "They have ever had an inviolable friendship for the French, uninfluenced thereto either by fear or views of interest, and live with them as brethren rather than as neighbors." The relations were certainly close; they intermarried.

When the United States acquired Louisiana the Indians still claimed the land. These claims were extinguished by treaties with the Osages in 1808, 1818, 1825, and with the Quapaws in 1818 and 1824. In 1825 the Osages in Arkansas numbered about 1,200. They moved into what later became the Indian Territory. To the Quapaws were given lands with the Caddos on the Red River in Louisiana, and when they moved there in 1825 they numbered 455, of whom there were 158 men, 123 women and 174 children. Here their crops were destroyed by overflows and many died of starvation. In 1826 Saracen, one of their chiefs, with a number of his people, returned to Arkansas, refused proposals of the government that the Quapaws join the Cherokees or Osages, asked that they be allowed to buy land, settle and assimilate with the people of Arkansas. He wanted their children to attend white schools, their women to learn spinning and weaving, and their boys to learn husbandry. In 1833, however, the Quapaws exchanged their possessions in Louisiana for land in the Indian Territory.

But other Indians besides the Osages and the Quapaws have lived in Arkansas. In 1817 the United States ceded to the Cherokees territory in

northwest Arkansas. To part of their land the Osages laid claim and at once began hostilities. While the government made repeated efforts to adjust the differences, war was waged at intervals until both tribes were moved west. In the meantime, the people of Arkansas objected to the presence of the Cherokees and called upon the government to remove them. To this end negotiations were carried on for several years, but were made difficult by the presence among the Cherokees of a few half-breeds and whites, whose selfish interests were served by defeating the treaty. The Cherokees in 1825 passed a law decreeing death to any one who might propose to sell or exchange their land. In 1828, however, they signed a treaty, exchanging their lands here for lands further west. While the Cherokees were in Arkansas an important Protestant mission was established among them—the Old Dwight mission near where Russellville now stands, named in honor of President Timothy Dwight, of Yale. At the invitation of Chief Tallantusky, while on a visit to his kin east of the Mississippi in 1818, the American Board of Commissioners for Foreign Missions sent to the Cherokees in Arkansas Rev. Cephas Washborne, who in 1820 founded the mission. Here he taught and preached until 1828, when he followed the Cherokees to their new home and established the mission at New Dwight. The Choctaws also once had their home in western Arkansas, which they secured in 1820 by exchanging for it their lands east of the Mississippi. Against this the people of Arkansas protested so vigorously that in 1825 they were moved still further west.*

*For the early history of the Indians of Arkansas, see the accounts of De Soto's travels by Biedma and *A Gentleman of Elvas*, the accounts by Marquette, La Salle, De Tonti, and Membré, a translation of which appears in French's *Historical Collections of Louisiana*. For the history since 1803, consult in *American State Papers*, the two volumes on Indian Affairs, the Act of Congress, and the Treaties of the United States with the Indians.

French Rule.

France owned Louisiana from 1682, when La Salle took possession; she occupied the territory from 1686, when De Tonti founded Arkansas Post, and she governed it from 1699, when she sent over Sauvolle, the first governor, to 1769, when Spain took active control. During this period she sent out eleven governors, the most noted of whom was Bienville. His brother Iberville established a fort at Biloxi Bay in 1699. The seat of government, at first at Biloxi, was moved to Mobile in 1702, and to New Orleans after Bienville founded it in 1718. New Orleans became the centre of French activities in Louisiana. The country on the Arkansas played an inconspicuous part. Among other ventures of the famous John Law was the planting of a colony of Germans in 1718 some seven miles above Arkansas Post. He erected it into a duchy, built storehouses, pavilions for officers and cabins for workmen. In the next three years several vessels landed at the settlement, bringing in all about seven hundred people. Most of the men were married and brought their wives. But when the people learned of the failure of Law they left the settlement and located near New Orleans. La Harpe in 1722 found the place abandoned.

Arkansas Post apparently had a continued existence from its foundation in 1686. Nuttall says that the small band of De Tonti augmented by Canadians, strengthened by intermarriages with the natives, "continually maintained their ground, though rather by adopting the manners of the Indians."* Louisiana was divided in 1721 into nine commands, over

*The first white man in Jefferson county, it is said, was one of De Tonti's men, Leon LeRoy, who deserted the Post in 1690. He seems to have had a remarkable history. For fourteen years the captive of the Osages, he was later adopted by the Quapaws, who gratefully remember him for teaching them the use of firearms. On making the treaty of 1818 a Quapaw chief gave the United States Commissioner a gun, which he said Le Roy had used in instructing them. The gun is preserved in the Smithsonian Institution.—Thwaite's *Early Western Travels*, XIII., 111, 140.

each of which was placed a commandant. The district of Arkansas was one of these commands, which suggests that settlers were there at the time. La Harpe, a French officer, by order of Bienville, explored the Red and the Arkansas rivers (1719-22) and rebuilt Arkansas Post in 1722.* Lieutenant De La Boulay is mentioned in 1721 as a new commander of the Post, which consisted of four or five palisade houses, a little guard house and a cabin storehouse. About the time Bienville retired in 1743, De Lino was commandant. Near the close of the century John Hebrard, alcade of Louisiana (1787-91), described the boundary of Arkansas as beginning at Little Prairie on the Mississippi some fifty miles below New Madrid and running along the Mississippi to Grand Point Coupee, now called Lake Province in Ouachita Parish, Louisiana, and passing back "so as to include all the waters which empty into the Mississippi from the west between these points." Captain Chalmette was in command about 1780; Don Joseph Valliere was commandant from about 1786 to 1790; Don Carlos Villement was in command from 1793 to about 1802. The official census of Arkansas in 1785 showed a population of 196, and in 1799 of 368.

Spanish Period.

By the Treaty of Paris (1763) France ceded Louisiana to Spain. French governors continued to rule until 1769, when after some difficulty Spain assumed control. She continued in possession until 1800 and actually governed until 1803. One of the Spanish governors, Baron de Carondelet, made many large land grants in Arkansas, out of which much trouble and litigation later grew. Spanish

*La Harpe, *Journal Historique*, 282–5; Margry, VI., 357–382. Cited by Thwaites in *American Nation*, VII., 83.

law required, in addition to a grant by a commandant, the survey of the land and the approval of the transaction by the governor at New Orleans. United States courts later respected all perfect titles under Spanish law, but declared invalid many large grants on account of indefiniteness or failure to perfect title. The most noted of these, the Winters grant (1797) of almost a million and a half acres on the Arkansas, was before Congress and the courts until declared void in 1848.* This grant is mentioned by Nuttall as preventing the development of the country about Arkansas Post.

Government Under France and Spain.

The government of Louisiana by France and Spain was absolute; there was no popular element. The laws of France, where applicable, were extended there. Price of produce was fixed by law. Slavery was legalized and Bienville's Black Code (1722) fixed their legal status. A law (1729) was promulgated to prevent the property of Frenchmen, who might marry natives, passing into the hands of the tribe upon the death of the husband. The governor and superior council at New Orleans were the supreme legislative and judicial authorities. The council up to 1721 consisted of a governor and three others; thereafter, of governor, two lieutenant-governors, king's attorney-general, and four or five others. The commandant was the supreme civil and military authority in a district. In the trial of civil cases he called to his assistance two or three citizens; of criminal cases, four citizens. Up to the acquisition of Louisiana by the United States, the Catholic religion was the faith of the people established by law. All other forms of worship were forbidden.

*House Docs., 15 Cong., I. Sess., Doc. No. 36 (Serial No. 6.)

Arkansas as a Part of the United States.

In 1800 Napoleon secured Louisiana, and in 1803 sold it to the United States. On Nov. 30, 1803, Spanish authorities transferred Louisiana to Citizen Laussat of France, who, on December 20 following, delivered at New Orleans formal possession to representatives of the United States. On Jan. 16, 1804, French and Spanish commissioners ordered the transfer of upper Louisiana. Later in the year the Spanish commandant delivered Arkansas Post to Maj. James B. Many, who was directed by General Wilkinson to receive it.*

Arkansas a Part of Louisiana and Missouri.

On March 26, 1804, Congress organized the newly acquired province into two territories, one comprising that part of the purchase south of the 33d degree of north latitude and called by the act Territory of Orleans, and the other consisting of all of the purchase north of said line and called the District of Louisiana. Arkansas formed a part of the latter district, the government of which was vested in the governor and judges of Indiana Territory. By act of March 3, 1805, the District was organized into the Territory of Louisiana. The governor and judges of the superior court constituted the legislature. In the early organization Arkansas was made a part of the District of New Madrid, but in 1806, the District of Arkansas was established—being about two-thirds of the present state. The governors of the Territory of Louisiana were Gen. James Wilkinson, 1805-7; Capt. Meriwether Lewis, 1807-9, and Gen. Benjamin A. Howard, 1809-12.

As soon as the purchase was made Jefferson set to work to secure an inventory of the territory. The famous Lewis-Clark expedition, exploring the north-

*House Docs., I Sess., 15 Cong., Doc. No. 36, p. 10. (Serial No. 6.)

ern part, was started. The same year William Dunbar, with Dr. Hunter, was sent to explore the Ouachita River. In 1806 General Wilkinson directed Lieut. Zebulon Pike to explore the headwaters of the Mississippi and the central and lower western Louisiana. Near its headwaters Lieut. James B. Wilkinson was detached from the main expedition and sent to explore the Arkansas River. With Sergeant Ballinger and two others, in two canoes, he descended the river to its mouth (Oct. 27, 1806-Jan. 9, 1807). He estimated that there were enough buffalo, elk and deer on the river to feed all the savages of the United States for a century.

In 1812 Congress admitted the Territory of Orleans into the Union as the State of Louisiana, and reorganized the Territory of Louisiana into the Territory of Missouri, of which Arkansas formed a part. The act made the legislature of Missouri to consist of a governor, a legislative council and a house of representatives. Governor Howard fixed December 1 as the time when the new territory would go into operation, divided it into five election districts, and called for the election of thirteen representatives and of a delegate to Congress. The proclamation made the village (Post) of Arkansas the seat of justice of a district embracing the larger part of the present state of Arkansas. William Clark, brother of George Rogers Clark, was governor of Missouri during her entire territorial period. In 1813 Arkansas county, comprising a larger part of the present state, was created. Largely out of the territory of this county the Missouri legislature organized Lawrence, Clark, Pulaski and Hempstead counties. The first representative of Arkansas county was Alexander Walker. He traveled on horseback from his home at Arkansas Post to the capital at St. Louis, following an old Indian trail.

Arkansas as a Territory.

On March 2, 1819, an act of Congress provided a separate territorial government for Arkansas to go into operation July 4. This act was the occasion of a prolonged discussion embracing all phases of the slavery question. On January 30 a petition from sundry citizens of Arkansas praying for a separate territorial government was read in the House and committed. Later a bill was reported, incorporating their prayer with no stipulations with respect to slavery. On February 17, the House being in committee of the whole, Mr. Taylor, of New York, precipitated the debate by offering as an amendment to the pending measure the famous Talmage amendment to the Missouri Bill, prohibiting the further introduction of slaves into Arkansas, and freeing at the age of twenty-five all children born in the state after her admission into the Union. In addition to the usual argument against slavery, Mr. Talmage turned against the Southerner his stock argument, that the Southern slaveowner should be given an equal chance in the Federal territory; Mr. Talmage wanted his New York constituents to be given an opportunity to settle in Arkansas, which, he insisted, they would virtually be denied if slaves were not excluded. In a committee of the whole both propositions were negatived. However, when the bill came before the House, February 8, Mr. Taylor again offered his amendments. The first paragraph was defeated by one vote, and the second adopted by two votes. After a motion to reconsider had been defeated, Mr. Lowndes came to the rescue by moving to lay the bill on the table, promising to call it up the next day. This was agreed to. On the 19th, when the bill was again considered, by the casting vote of the speaker, it was sent to a special committee with instructions to strike out the Taylor

amendment. The committee at once reported the bill amended accordingly. The House by one majority concurred in the committee amendment. Mr. Taylor offered a number of other amendments concerning slavery, among which was one to prohibit slavery north of thirty-six degrees thirty minutes north latitude, thus anticipating the famous Missouri Compromise, but they were all voted down. On February 20 the bill passed the House. In the Senate it passed without event.

The law making Arkansas a territory provided that it should embrace that part of the Territory of Missouri "south of a line beginning on the Mississippi at thirty-six degrees north latitude, running thence west to the river St. Francois; thence, up the same to thirty-six thirty north latitude, and thence west to the western territorial (Missouri) line." The western line of the Territory of Missouri here used in defining the western boundary of Arkansas was the western line of the Louisiana purchase. The act organizing the Territory of Missouri provided that "the territory heretofore called Louisiana shall hereafter be called Missouri." The boundary of the Territory of Louisiana is defined in Section 12 of the act of March 26, 1804, as embracing all of the Louisiana purchase north of the northern line of the present state of Louisiana. As Congress had passed no other act altering the boundaries of Louisiana and Missouri, the western boundary of Arkansas in 1819 was therefore the west line of the province of Louisiana, which had just been defined the preceding month in the then unratified treaty with Spain ceding Florida to the United States. West of Arkansas this line was the hundredth parallel of longitude. This gave Arkansas a princely domain, including almost all of the present state of Oklahoma. It is true that the War Department had issued an order

PRAIRIE NEAR THE ARKANSAS RIVER.

in 1818 fixing a line from the source of the Poteau to the source of the Kiamichi as the limit of western settlements, but the order did not affect the boundary line of the Territory of Missouri. It was done for administrative convenience.

However, this large domain was of no practical value to the people of Arkansas. They were allowed to settle only on lands to which the Federal government had extinguished the Indian's right of occupancy, and moreover the civil jurisdiction of governor and legislature extended merely over the same area. The general government, however, was rapidly extinguishing Indian occupancy rights. As has been noted, the Osages and the Quapaws occupied Arkansas at the time of the Louisiana purchase. The Osages, by treaties signed in 1808 and 1818, had ceded all their claims from the Mississippi west to the Verdigris River and from the Arkansas north. (7 Stat., 107, 183; Sen. Docs., Vol. 35, 57 Cong., 1 Sess., Vol. II, 69, 116.) The Quapaws in 1818, with the exception of a large tract south of Little Rock, made a cession bounded on the north by the Arkansas and the Canadian rivers to the west line of Louisiana purchase; on the west that line to the Red River; on the south the Red to the Big Raft (near Shreveport), thence east to the Mississippi; on the east that stream to the Arkansas. The treaty really placed the western line beyond the limits here described, that is, beyond the bounds of the United States, doubtless because of ignorance of the extent of the Canadian and the Red rivers. In the meantime the Federal government was undoing its own work by bestowing upon other Indians the lands purchased from the Quapaws and the Osages. In 1817, in exchange for lands east of the Mississippi, the Cherokees were given a large tract between the Arkansas and White rivers west of a line running

northeast from the mouth of Point Remove Creek on the Arkansas to Chataunga Mountain on the White River. The year after the territory was organized the government ceded to the Choctaws all territory embraced in the Quapaw cession of 1818 west of a line running from a point on the Arkansas opposite the mouth of Point Remove Creek, southwest to the Red River three miles below the mouth of Little River. These cessions, however, did not alter the western boundary of Arkansas. They were merely Indian reservations within the territory. When the eastern line of the Choctaw cession was surveyed in 1821, 375 families were found to be west of it. The people of the territory protested against the Choctaw reservation. Nothing was done, however, until March 3, 1823, when Congress authorized negotiations with the Choctaws to secure as their eastern boundary "a line due south from the southwest corner of the state of Missouri to the Red River." Nothing was done under the act. Against this proposed line, however, the people of Arkansas lodged with Congress a vigorous protest. This led that body to pass an act, May 26, 1824, fixing as the western boundary of Arkansas a line beginning "at a point forty miles west of the southwest corner of the state of Missouri, and run south to the right bank of the Red River, and thence down the river and with the Mexican boundary to the line of the state of Louisiana." The act appropriated money for negotiating a treaty with the Choctaws to secure a relinquishment of their claims within this area. The act was the first effective step in reducing the western limits of Arkansas. The second soon followed. The Choctaws protested that such legislation was a violation of their treaty rights. Under the direction of the President, the secretary of war, John C. Calhoun, concluded a treaty with

them Jan. 20, 1825, by which they ceded to the United States their lands "east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence due south to Red River, it being understood that this line shall constitute and remain the permanent boundary between the United States and the Choctaws." (7 Stat., 234; Sen. Docs., Vol. 35, 57 Cong., 1 Sess., Vol. II, 149.) In the meantime the people of the territory were dissatisfied with the presence of the Cherokees north of the river. This fact and the wars between them and the Osages led the government to conclude a treaty with them, May 6, 1828, which extended the Choctaw line of 1825 to the southwest corner of Missouri, thus completing the western boundary line of Arkansas as it now stands. (7 Stat., 311; Sen. Docs., Vol. 35, 57 Cong., 1 Sess., Vol. II, 206.) Thus by two treaties with Indians, not independent nations, was an act of Congress set aside and the permanent boundary of a territory fixed. Senator Benton, of Missouri, said that this action was both unconstitutional and inexpedient; unconstitutional, because the proper objects of treaties are international concerns, which neither party can regulate by municipal law; inexpedient, because political considerations suggest that a frontier state should be strong. He insisted that the boundary of a territory was the subject of legislation, not of treaties, and that a treaty with Indians is not a treaty in the sense used in the supremacy clause of the constitution. He was severe in his arraignment of Southern members for fathering and supporting the measure.*

Southwest Boundary.

Another phase of the western boundary question was the line at the southwest corner between Arkan-

*Benton's *Thirty Years' View*, I., 107 ff.

sas and Mexico, later Texas. The difference grew out of the failure to run the boundary line between the possessions of Spain and of the United States on the west as defined in the treaty of Feb. 22, 1819, ceding Florida. In the early 20's, when she won her independence, Mexico fell heir to the obligations and rights of Spain with respect to the boundary question. For the next ten years the United States made many vain efforts to secure from Mexico the territory drained by the Red, the Canadian and Arkansas rivers. The efforts of the United States to secure a joint survey of the boundary met with indifference and dilatory tactics on the part of Mexico. A treaty providing for the survey was signed in 1828, again in 1831, and lastly in 1835, but in each case was killed by Mexico's unpardonable delays. In 1836 Texas won her independence and took Mexico's place in regard to the boundary affair.

In the meantime settlers in the disputed area at the southwest corner of Arkansas were making the question one of practical politics. The treaty of 1819 provided that the boundary should follow the west side of Sabine River from its mouth to the 32d degree of north latitude, thence directly north to Red River, thence up that stream, etc. The United States advanced two views with respect to this line—one that the treaty intended the Neches instead of the Sabine as the boundary river on account of its size; the other, in the event of failure to secure the Neches, that the Sabine crossed the 32d degree further west than it really did. Mexico claimed that the line north from the 32d degree ran close to the Red River at the southwest corner of Arkansas, the United States that it was much further west. In 1820 the legislature of Arkansas created Miller county out of territory now lying in Texas and Oklahoma. In 1829 a bill passed the lower house of

Congress fixing as the west line of Arkansas south of Red River, a line due south to the 33d degree from a point forty miles west of the southwest corner of Missouri. The boundary was a subject of numerous messages of the governor of Arkansas to the legislature, and was fruitful of a prolonged correspondence between him and authorities at Washington, as well as between the United States and Mexico.* The President promised protection, directed the governor to maintain jurisdiction over the disputed area and tried to adjust the matter with Mexico. The governor experienced difficulties in carrying out the President's instructions, because the people in the disputed territory were hostile to Arkansas, especially after Texas won her independence, and would not, as officers, exercise authority in her name. The United States concluded a treaty with Texas, April 25, 1838, providing for a joint commission to run the boundary line as defined in the Florida treaty of 1819. The commission finished its work at Red River, June 24, 1841. The established line showed that the United States was decidedly in error in claiming so far west.†

Territorial Government.

The act of Congress creating the Territory of Arkansas provided for a governor to serve three years, a secretary for four years, and a legislature, at first consisting of governor and three judges of the superior court; all of these officers were appointed by the President. The judicial power was vested in a superior court, such inferior courts as the local legislature might create, and justices of the peace. The laws of Missouri not in conflict were to

*Jour. of Gen. Assembly (Ark.), 1832, 20; H. J., 1836, 24; H. J., Spec. Sess., 1837, 184; H. J., 1838, 160; H. J., 1840, 257; Ex. Doc., 25th Cong., 2 Sess., Vol. XII., Doc. No. 351, pp. 67–69, 650 ff, 659 f.

†Sen. Docs., 25th Cong., 3 Sess., Vol. I., Doc. No. 1, 74 f; Sen. Doc., 27th Cong., 2 Sess., Vol. III., Doc. No. 199, pp. 1 ff, 19 ff, 50 ff, 57 ff.

be operative until the territorial legislature provided otherwise. When the governor was satisfied that the people wanted it, he was authorized to proclaim a legislature to consist of a governor, a legislative council appointed by the President from a list containing twice the required number nominated by the lower house, and a house of representatives elected by the people. Subsequent acts of Congress modified this government somewhat. An additional judge for the superior court was provided in 1828, and the following year an act authorized the people to elect most of their local officials and the legislature by a two-thirds vote to carry any measure over the governor's veto.

President Monroe appointed James Miller, of Lundy's Lane fame, governor, and Robert Crittenden, brother of John J. Crittenden, of Kentucky, secretary. To Mr. Crittenden, who by his office was acting governor, in the absence of that official, is largely due the credit of organizing and directing the government of the new territory. He served the territory for ten years, during which time he was the dominating figure in the government. Governor Miller was frequently absent and never became identified with Arkansas. At Mr. Crittenden's call the legislature, consisting of the governor and the three superior court judges, convened at Arkansas Post, continued the laws of Missouri as the laws of Arkansas, divided the territory into two judicial circuits, and created the necessary local governmental machinery. Mr. Crittenden, soon after his arrival, proclaimed Arkansas a territory of the second grade entitled to a legislature consisting of governor, legislative council and house of representatives. He ordered an election for choosing a delegate to Congress and members of the house of representatives. The legislature thus constituted held

two sessions in 1820, its most important act being the removal of the capital from Arkansas Post to Little Rock.* But little trouble was experienced in securing the passage of the removal bill. Little Rock at the time contained only two or three houses, but by its location gave promise of becoming the commercial as well as the political centre of the territory. The act took effect in June of the following year.

After Governor Miller resigned in 1824 the territory had three governors. The first of these was George Izard, of South Carolina, 1825-28. Izard was born in Charleston, 1777, received both a literary and military education, studying in France and Germany, as well as in America. He became major-general in the War of 1812. He died while governor of Arkansas. John Pope, of Kentucky, 1829-35, succeeded Izard. He was born in Virginia, 1770, educated at William and Mary College, and later moved to Kentucky. He represented his adopted state in both houses of Congress. On retiring from the governor's office in Arkansas he returned to Kentucky, where he died in 1845. William S. Fulton, of Maryland, 1835-36, was the third governor. He was born in Maryland in 1795, received a liberal education, practiced law in Tennessee and at Florence, Ala.; fought at New Orleans under Jackson, who, in 1829, appointed him secretary of Arkansas, and in 1835, governor. From 1836 to his death in 1844 he was United States senator from Arkansas.

During Governor Pope's administration the capitol building was begun and in part completed. To Governor Pope is largely due the credit of constructing it. The legislature met during most of the ter-

*Called by the French *La Petit Rochelle*, Little Rock, for a ledge of rock projecting into the river, to distinguish it from a larger ledge of rock some two miles further up the river. Settlers were here in 1817, perhaps earlier. The name Arcopolis found on old maps is explained by the fact that there was an effort to give it that name

ritorial period in a small frame house, occasionally in the Baptist church. The territorial officials shifted their offices from place to place. To aid in building a state house, Congress, in 1831, donated to the territory ten sections of public lands, which the general assembly exchanged for the handsome residence of Robert Crittenden. Governor Pope vetoed the bill, mainly because the Crittenden residence was not worth the lands nor suitable for a state house. Incensed by the veto, the legislature sent a memorial for the removal of the governor. Instead, Congress placed the control of the land and the building in the governor's hands, who sold the lands and proceeded with the building, which, however, was not completed until 1840.

Arkansas Becomes a State.

Meanwhile the territory had been growing in population and wealth. In 1833 the population was 40,327, of whom 6,081 were colored—173 being free—and in 1835 it had grown to 52,241, of whom about 9,838 were negroes. As early as 1831 Ambrose H. Sevier, a descendent of John Sevier, of Tennessee, delegate from Arkansas in Congress, began to agitate the question of statehood. In 1833 he offered a resolution instructing the committee on territories to inquire into and report on the expediency of admitting Arkansas as a state. The committee in 1834 reported a bill to admit Arkansas and Michigan, but the bill did not become a law. In the territory the question was taken up, newspapers discussed it, speakers presented it, and the people in mass-meetings passed resolutions. By 1835 the territory was thoroughly aroused. That year, without authority from Congress, the legislature submitted the question to the people; they voted for statehood, and the legislature ordered the election of delegates to a

constitutional convention. This body met Jan. 4, 1836, framed a constitution and dispatched it to Washington with a prayer to be admitted into the Union. Bills to admit the territory were introduced into both houses. Michigan was before Congress at the same time. In the Senate, Benton took care of Michigan, and Buchanan of Arkansas. The Senate bill passed that body April 4 without event. In the House it was opposed because the state constitution legalized slavery and because the people had taken the initiative in framing a constitution before Congress passed an enabling act. The usual anti-slavery arguments were made. With respect to procedure it was urged that the people's action was revolutionary. However, the view that Arkansas was south of Missouri, a slave state, and that the constitution was in the nature of a petition, prevailed, and the House passed the bills admitting Arkansas and Michigan the same day, June 13. The arguments of the opposition were rather ostensible than real. The true ground of opposition was political. The Whigs opposed admitting both states because they would probably give Democratic majorities in the coming presidential election.*

The people of Arkansas in the meantime had anticipated the action of Congress. April 12 the Democrats held their first convention in the territory and nominated for governor James S. Conway, who had come to Arkansas from Tennessee in 1820, and for Congress Archibald Yell, a North Carolinian who had come to Arkansas in 1832. The Whigs met seven days later and put forward for governor Absolom Fowler, and for Congress William Cummings, both able lawyers. After a heated campaign Conway and Yell were elected. The legislature un-

*Roosevelt, *Life of Benton*, Standard Library Edition, 152.

der the new constitution met Sept. 12, 1836, in the unfinished statehouse, organized the new state government, elected William S. Fulton and A. H. Sevier United States Senators and inaugurated a wildcat banking policy.

Population, Life, Customs, Economic and Social Conditions of the People.

The few French in Arkansas in the Eighteenth century lived in villages. They farmed but little; they were mainly occupied in hunting, trading and trapping. On trading expeditions three or four went together up the Arkansas or the White river in a boat loaded with trinkets, hatchets, guns and blankets, which they exchanged with the natives for skins and furs. Sometimes overland trips were made on horseback. When they had gathered a supply of skins and furs at the Post, they took them by boat to New Orleans. Simple in habits, these people had but few wants. They dressed in buckskin and wore moccasin or 'coon skin caps. But it must be confessed that the Frenchman did but little to develop the country. In point of blood the element is insignificant; in point of character, questionable. They took on too much the habits of the natives. Nuttall, who made a scientific exploration of the Arkansas in 1819, found them "opposed to improvements and regular industry," and spoke of Arkansas Post with some thirty families as not being complimentary to the French who had been there for over a century. They had no mechanics and almost no domestic conveniences. The people had pork and beef because hogs and cattle grew wild in the woods; but such necessities as potatoes, onions and flour were imported at enormous prices, though they could be easily raised at home. They were "strangers to civilized comforts and regular

habits." There were notable exceptions, such as Frederick Notrebe and Joseph Bogie. However, the French left a permanent impress in the names of the rivers, creeks, mountains and towns. Fourche La Fave, Poteau, Petit Jean, Des Arc, DeVall's Bluff and Maumelle, are a few of the many names to remind us of this period in Arkansas history.

Population.

The population during foreign control grew painfully slow, perhaps because of the many restrictions imposed by the government. Before a man could settle in the province he had to secure permission from a French or Spanish official; a citizen could not go twenty miles from home unless he secured a passport, particularly describing his route and destination. After the United States acquired Louisiana the country developed more rapidly. Americans came and went freely. Unlike the French they liked country life, opened and cultivated farms. In 1799 the population of Arkansas was 368; in 1810, 1,062; in 1820, 14,255; in 1830, 30,388; in 1835, 52,241. The figures show that during the first decade after the Louisiana purchase comparatively few settlements were made, while in the next decade the growth was rapid. This may be explained by the fact that all land, except a few French and Spanish grants, was public, that the Indians claimed all of Arkansas, and that the Federal government would not bestow titles to land to which it had not extinguished the Indian's right of occupancy. The first purchase of Indian claims in Arkansas was from the Osages in 1808, hence, until then people could not secure land. But thereafter Indian titles were rapidly bought up, surveys were made, the land thrown open to settlers and the population multiplied. There were many settlements in 1819 scat-

tered over the territory, separated by wide stretches of wild forests. Arkansas Post, Pine Bluff, Benton, Cadron, Ft. Smith, Hot Springs, Davidsonville, Little Rock, Crystal Hill or Pyeattstown, and Pecannerie were villages or settlements. Arkansas Post had some thirty families, Cadron four or five, Benton nine or ten, Pecannerie sixty. Immigration to Arkansas was also stimulated by land bounties. Many soldiers with such claims for service in the War of 1812 located in Arkansas. Other tracts were taken by sufferers from the New Madrid earthquake in 1811. The government allowed these people as much land as they had lost by the earthquake. The whole country from the Ohio to the St. Francis in Arkansas was disturbed, the earth was sunk, lakes formed, and strips of land plunged into the Mississippi. The sunk lands of northeast Arkansas were thus caused.

Frontier Conditions.

Conditions of life were rude. The log house destitute of glass with numerous doors was the type. Corn meal, the staff of life on the frontier, was prepared on a grate or in a mortar. "Lye hominy" was common. There were one or two sawmills and perhaps one grist mill in the territory when organized. There was neither stage coach nor steamboat. No regular vessels plied the Arkansas. Occasional merchant vessels would run up the river. Not until 1835 did steamboats come into general use on western rivers. Prior to that the canoe, the raft or the flatboat was used. These vessels went down stream easily, but going up, there was the rub. They were pushed along by means of poles, or cordelled. Travel was slow. Even in 1837, after the steamer had come into use, Senator William S. Fulton writes from Washington to his wife at Little Rock, expressing astonishment at receiving a letter from

her in twelve days, "after having been annoyed all winter in not receiving my letters until they were forty or fifty days old." The postage was seventy-five cents, and he congratulated himself on excellent mail facilities. Merchants bought their sugar and molasses in New Orleans, and their dry goods and hardware in Philadelphia. Goods from the east were wagoned to Pittsburgh, thence by water to the point of destination on the Arkansas. The pioneer boatman was a noted character; he was brave, hardy, resourceful; he was ready alike for the storm, the river robber or the lurking savage.

Travel by land was even worse. Horses and covered wagons were the means of conveyance, bridle paths serving for roads. There were several well-defined old Indian roads. One, a path about a foot wide, ran from the Post to the Cadron through the Grand Prairie. Another ran from St. Louis via Cape Girardeau, Little Rock, Benton, Hot Springs. Here it forked, one branched off south to Natchitoches on the Red River, the other ran down the Ouachita to the "post of Ouachita," or modern Monroe, La., thence to Natchitoches. These roads had existed from time immemorial, and were old Indian war and hunting paths. Nuttall found Cadron a general stopping place for travelers in all directions. A double log house served as an inn. It was on a real estate boom. During the territorial period the Federal government expended considerable money on the rivers and roads of Arkansas. Roads were opened from Little Rock to Ft. Smith, to Memphis, to Columbia, from Jackson to Red River.

Courts, Schools and Churches.

The judge and the lawyers were important characters in frontier society. With poor roads, no bridges and courthouses a hundred miles apart,

their semi-annual trips on horseback over the territory were filled alike with hardships and thrilling experiences. Court was held in a store, residence, or in the open air. Law was administered without books. When memory failed, they fell back upon general principles. The ready gun and the leather thong took the place of jails. Schools as well as courthouses were few and far apart. With a population of less than one to the square mile even in 1836, educational advantages were necessarily poor. Schools were private. The people subscribed "scholars"; the teacher "boarded around"; the pay was in meal, pork or other produce. In a log house with Webster's blueback speller as the main text, school was kept from sunrise to sunset. A law in 1829 authorized the leasing of the sixteenth section and the use of the proceeds for the support of schools. No material aid came from this source. A few academies were established, usually by churches. But before the advent of the lawyer or teacher came the preacher. This is the history of all western countries. His was a hard lot. He rode to his appointments scattered at wide intervals. The traditional log cabin sheltered him at night; or if, as often occurred, night overtook him miles away from human habitation, with his saddle-bags for a pillow, he camped under a friendly oak. Camp meetings were the common form of religious service. The Methodists, the Presbyterians and the Baptists early gained a foothold here. The Methodist preacher was riding regular circuits as early as 1815. Circuits multiplied, districts were formed, and in 1836 the Arkansas Annual Conference was organized with a membership of 3,690. The Arkansas Presbytery of the Cumberland Church was organized in 1824. At Boonesboro, now Cane Hill, that church in 1835 established a school. In 1828

the first Presbyterian church in Arkansas was established at Little Rock; in 1835 the Presbytery of Arkansas was organized. In 1829 the Baptists organized the Spring River Association, which in 1835 had ten churches.

In 1817 the first post offices were established, one at Davidsonville in northeast Arkansas and the other at Arkansas Post. The two offices served the district between St. Louis and Monroe, La., and had a monthly mail. In 1835 the service between Memphis and Little Rock was improved and made semi-weekly. With the organization of the territory came the newspaper. William E. Woodruff, a young man from New York established the *Arkansas Gazette* at the Post in 1819. The *Gazette* followed the capital to Little Rock, and except for a short time during the War of Secession, has been published continuously since its foundation. In 1830 there was established at Little Rock a Whig paper, *The Advocate,* edited at first by Charles P. Bertrand, later by Albert Pike.

Economic Conditions.

In the early days cotton and corn were the chief products. In 1819 there were two gins near the Post; cotton in the seed brought five and six dollars a hundred, or about $75 a bale; flour retailed at ten dollars per barrel, rice from twenty-five to thirty-seven cents per pound, sugar twenty-five cents, coffee fifty cents. Three merchants at the Post largely controlled trade up the White and Arkansas rivers. Salt was manufactured in Arkansas at an early date. De Soto found the natives making salt on the Ouachita. During territorial days many salt mines were worked. The government leased the mines to individuals for a period of years. In 1825 the Bean Brothers were operating a mine in northwest Ar-

kansas, turning out some 500 bushels a year and supplying quite a section of country; Rees Price was making salt on Deer Creek twenty miles north of Ft. Smith, and Johnathan Calloway had purchased salt works on the Ouachita. There were no banks in the territory. Governor Izard was compelled to send, by a special messenger, his drafts to New Orleans to be cashed. He frequently requested the authorities at Washington to send remittances in small drafts so that the local merchants could cash them.

Duelling.

In the early days duelling was the ordinary method of settling differences between man and man. Many of the early settlers were of the proudest blood of the South, and they were quick to avenge a fancied or real wrong. This false code of honor cut short many promising lives. Among the prominent men killed in duels in Arkansas were Joseph Seldon, judge of the superior court; Henry W. Conway, delegate to Congress; William Fontaine Pope, nephew and secretary of Governor Pope. The first territorial legislature passed a law against duelling. Duels were thereafter fought just outside of the boundary of Arkansas.

Among the earlier settlers were some tough characters. Nuttall records the presence along the Arkansas of some renegades, refugees from justice and horse thieves; and further tells of the notorious Clary gang of river robbers with headquarters at the mouth of the Arkansas. They were captured and exterminated in 1811 by some boatmen. While there was much bloodshed, perhaps lawlessness did not exist in Arkansas to any greater extent than in any other territory in pioneer days. Of the character of the people of the territory, Gov. John Pope, who came of one of the best Virginia families, gave

this testimony: "In justice to the people of this territory, I declare, in the face of the world, and on the responsibility of my public and private character, that among no people with whom I am acquainted are the ordinary offenses against propriety and peace of society less frequent; stealing and robbing are rare; nowhere are the moral and social relations maintained with more fidelity."

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CHAPTER II.

ARKANSAS FROM 1836 TO 1861.

Admission to the Union.

The admission of Arkansas into the Union in 1836 gave rise, temporarily, to a species of agitation which was destined to break out into greater fury some years later, and that was agitation of the subject of slavery. With that jealous watchfulness of the balance of power as between the slave states and the free, which had governed legislative action for a decade, it had become the settled policy of

Congress to admit states to the Union in pairs, and so when the time was at hand for the admission of Arkansas, Michigan was likewise admitted as her free sister—her co-mate in the galaxy of stars. This policy was the direct outgrowth of the Missouri Compromise, wherein it was settled that no state allowing slavery should be created north of the compromise line, the south line of Missouri, but that south of the line states might have slavery or not as they chose. They could *only* be free north of the line; they *might* be free south of it, if so ordered. So when the question of statehood for Arkansas was up, it hung fire in the legislative halls. Among her people the desire to pass out of territorial government into that of a state had been gaining headway, and for five years had been actively pressed. Arkansas had now been a territory for fifteen years, dating, as she did, from the bill introduced by John Scott, territorial representative, detaching her from Missouri territory in 1819.

The new territory was a region but sparsely settled. The census of 1820, the year after her creation, showed only a total population of 14,255. This had been more than doubled in 1830, which showed 30,388, and the next census showed 97,574. These figures indicate that the tide of emigration was setting strongly in her direction. The advantages the new territory had to offer were not lost on the home-seeker. Her fine lands, her illimitable timber resources, her mineral fields, her splendid rivers for navigation, her equable climate, were beginning to be understood and availed of. And so, with her population advanced to sufficient proportions and the state of public affairs seeming propitious, in 1834 Ambrose H. Sevier, her delegate, introduced a bill in Congress for her admission as a state. At once the opposition to receiving a state allowing

slavery became active, and the subject was held back for two years. But public interest was aroused, and meetings favoring statehood were held at many points. Finally a convention was called and held, which framed a constitution, reciting their sufficiency of population and their ability to maintain themselves, and asking to be admitted into the Federal Union. The constitution was forwarded to Washington and laid before Congress.

Upon the subject being thus presented, the opposition arose stronger than ever. The act of the people was declared to be revolutionary, in that they had presumed to frame a constitution and petition for admission without first asking permission of Congress to do so. The opposition was carried to the extent of taking the opinion of the attorney-general Benjamin F. Butler as to the legality of the proceedings. Mr. Butler put a quietus on the opposition by rendering the common-sense opinion that it was the right of the people at all times peaceably to assemble and, by petition, to make any request that they saw fit; that the holding of the convention was nothing more than their peaceably assembling, and their request to be admitted to the Union was nothing more than the exercise of their undoubted right to make, by petition, any request that they saw fit, and hence there was no illegality in the proceedings. So with all further opposition removed and with nothing at hand to prevent her reception, along with Michigan, Arkansas was duly enrolled in the sisterhood of states—the twelfth state after the original thirteen.

Politics and Parties.

In her territorial life, and even more accentuated in her statehood, the vote of Arkansas was overwhelmingly Democratic, and such it has continued

to be up to the present time. The two parties dividing public attention of the time were the Whigs, who dated from about 1820, and who, from about 1829, were called Whigs from the name of one of the parties of the American Revolution, and the other the Democrats, the successors of the old Republican party, or as founded by Jefferson, the party of the people; who, from near the opening of the century took the name of Democrats.

The Whigs of Arkansas were headed by able men and leaders, of whom Robert Crittenden, the first secretary of the territory, was the chief, and associated with him were Absalom Fowler, Ebenezer Cummins, Benjamin Desha, Frederick W. Trapnall, and others of like ability; but their vote was in so much of a minority that the political contests of the day were a succession of Democratic triumphs, under the leadership of Ambrose H. Sevier, Chester Ashley, the Conways, Henry W. and James S., Archibald Yell, Charles Caldwell, the Rectors, Wharton and Elias, William S. Fulton, and others equally eminent; while the power of the press was wielded for the Democratic side by William E. Woodruff, as editor of the *Gazette,* which, from its early beginning in 1819, was a moulder and leader of public opinion, which it still continues to be.

For the Whigs the *Advocate* was the party organ, founded by Charles P. Bertrand, but later passing to Albert Pike.

Ambrose H. Sevier was the territory's chief political factor. He was her "tower of strength that stood foursquare to every wind that blew." At the state organization James S. Conway was chosen governor, and A. H. Sevier and William S. Fulton (the last governor of the territory) were made United States senators. Upon the death of Fulton,

ALBERT PIKE.

Chester Ashley became senator. Both he and Sevier were men of mark in the Assembly. Both were eminent for their services, and were recognized by appointment on important committees, Ashley going to that of the judiciary. Archibald Yell was elected congressman, and served as such until the outbreak of the Mexican War, in which he lost his life, his associate, after 1839, being Edward Cross. Yell was succeeded by Thomas W. Newton, the only Whig who ever sat in Congress from Arkansas.

Economic and Social Condition.

The general quality of the population of Arkansas at this time was of the very best. The emigration which had flowed into her borders had been largely of the best element, drawn in great measure from cultured families of the South. Around points such as Little Rock, Hot Springs, Arkadelphia, Camden, Washington, Pine Bluff, Helena, Van Buren and Fort Smith, were clustered groups of families of culture and refinement, while in and through the region of Jefferson county were many residents from old French families.

The home life of these people was of a delightful order. Generally of education, of refinement and means, and with hospitality which has grown world-famous as the universal attribute of their section; frequently of literary and even scholastic attainments, their communities were charming social centres. Being generally slaveowners, agricultural pursuits engaged the attention of the people, ranging from the well-cultivated small farms of the north and west, with their chief products of grains and fruits, to the immense cotton plantations of the east and south, for all of which the chief market was New Orleans, and river traffic the chief mode of travel and conveyance.

Wildcat Banking.

Unfortunately, the first step taken by Arkansas in beginning her career of statehood was a false and mistaken one. It in a decided measure committed the state to the dangerous enterprise of herself going into the banking business. The wisdom of the hour saw only present necessities. The situation was that everybody had land, while but few had ready money. So, to relieve the keenness of the situation and provide a circulating medium, the state created two banks, known respectively as the State Bank and Real Estate Bank. The State Bank was a state institution, with officers elected by the legislature, and owned and controlled exclusively by the state. The capital stock was one million dollars, for which the state issued her bonds, which the bank sold, the proceeds constituting her banking capital. This amount was speedily loaned out, and in five years the bank was put into liquidation, owing two million dollars, with assets nominally nearly the same, but three-fourths of which were represented by borrower's notes, which were uncollectable; so that for the outstanding debts the state stood in the attitude of an endorser whose principal has become insolvent and left him with the debt to pay. And paying the debt meant additional burdens on the people to get the money to pay it with.

With the Real Estate Bank, affairs were somewhat similar. The capital stock here was two million dollars. Any stockholder could borrow money of it with a lien on his real estate for security. Here, also, the proceeds of the state's bonds were the banking capital. So many men offered to subscribe for stock that they could not all be accommodated. The funds were loaned out on long terms, with real estate security. In but a short time this bank also failed, and a struggle to realize on its securities was

begun by its trustees that ran through nearly sixty years. But the state stood responsible on the bonds she had issued, and a certain half million of them played an exciting part in after history.

They were deposited with a loan and trust company of New York as collateral for the loan of $121,000. Without waiting for the state to redeem her pledge and take up the collateral, the trust company, by a breach of faith, sold the bonds to James Holford, a banker of London, for $325,000, and in a short time thereafter the trust company failed and made an assignment, having pocketed something over $200,000 by their method of handling the Arkansas bonds. These bonds thereafter became known as the "Holford Bonds." In the reconstruction times following the war, the legislature passed laws for the refunding of these bonds, but their issue was afterwards contested on the ground of there being fraud and breach of faith in their sale by the trust company, and an amendment known as the Fishback Amendment, taking its name from William M. Fishback, of Fort Smith, the author of the measure, prohibiting their payment, was adopted by the people in 1884 as amendment No. 1 to the state constitution.

Thus the bank mania had run its course of confusion and ruin through infinite channels. With the planting of the seed in 1836 there had come the gathering of the outgrowth as late as 1896, or even 1906, in impoverished estates, mortgaged homes, clouded titles and struggling debtors, often born to cope with inherited debts. It was the sowing of the storm in the one generation, and the reaping of the whirlwind in succeeding ones.

Arkansas in the Mexican War.

The ten years following the entry of Arkansas into the Union were years of growing prosperity,

but suddenly the serenity of the time was disturbed by the outbreak of a war with Mexico, in which she was called to take an active part. It is said that "Revolutions have long roots in the past," and it is a circumstance worthy of note that out of Arkansas came an initial event which was destined to have an effect, a great and controlling effect, on the final events that led to that struggle. In the year 1820 there came from Potosi, Missouri, to "the little rock" on the Arkansas River, one Moses Austin, who built the first cabin at the place where the capital city now is. Soon came also his son, Stephen F. Austin, than which there is no greater name in Texas history, who became one of the founders of the town of Little Rock, and one of the original townsite proprietors. Soon Moses Austin went to New Orleans, and there Stephen F. Austin joined him and gathered together his colony which he led into Texas and planted: the first American settlers to populate or gain a footing in that magnificent region.

Austin's colony proving successful, a number of other American colonies likewise came in, until, by 1835, they had grown so strong and prosperous as to excite the jealousy of the Mexican government, which treated them with great harshness and injustice. This precipitated a revolution in which Texan independence was gloriously won at San Jacinto in 1836, and her separate existence was recognized by many governments and acquiesced in by Mexico. Then for nine years the Republic of Texas stood knocking at the door, requesting admission to the American Union. The same demurrage and baffling delays that Arkansas had experienced were again exerted, because Texas was a slave state. But finally the door was opened and Texas was duly received into the Union. At once Mexico, although she had done nothing to repossess herself of Texas,

suddenly asserted a claim to her territory and began war against the United States. Each nation sprang to arms. Under President Polk's proclamation the quota of troops from Arkansas was 1,400. These were speedily raised, more men volunteering than could be received, and two commands were formed: a cavalry regiment under Archibald Yell, who resigned his seat in Congress to command it, and a battalion for the defense of the frontier under Col. William Gray, and two companies of the Twelfth Infantry Regulars were recruited from Arkansas. The rendezvous of the troops was at Washington, Hempstead county, and from there they marched to Mexico. On arriving at the scene of action Yell's regiment was put into active service, and at Buena Vista, the decisive battle of the war, distinguished themselves. In a charge of the Mexican lancers, which they received and repulsed, Yell was killed by a lance wound, and they lost many officers and men. The battle of Buena Vista was fought Feb. 23, 1847, but the news did not reach Little Rock until April, when some discharged soldiers from the town, returning by the method of ox-cart traveling, brought the information to the astonished villagers.

Buena Vista was the principal battle of this war in which Arkansas troops took part, but those of the Twelfth Infantry, under Capt. Allan Wood, participated in the engagements of Contreras and Cherubusco.

But these incidents were the early forerunners of peace. The state's senior senator, A. H. Sevier, resigned his office and was sent as Minister to Mexico, concluding a treaty of peace which added greatly to our public domain, as the valor of our troops in the war had added greatly to our prestige among the nations of the earth.

The Rising War-Cloud.

The ten years from 1850 to 1860 were years of an unctuous peace for Arkansas. It was that fatness and increase were all in all,

> "and Peace
> Piped on her pastoral hillock a languid note,
> Watching her harvests ripen; her herds increase,"

but it was broken by a distant muttering that grew louder as the decade waned, until it broke in a thunderous roar. Growth and prosperity was abroad on every hand; but through it all

> "There ran a dark thought, like a creeping trace;
> Or like a black threat, that by some misplace,
> Life had strung through the pearls of happy years;
> A thought that bordered all our joys with tears."

That thought was the incessant agitation of the subject of slavery. By 1840 a political party had been formed at the North, bearing the name of the Abolition party, the avowed object of which was the abolition of slavery, from which it took its name. From about 1854 this party was absorbed by a stronger organization formed about that time, which took the name of the Republican party, harking back to the opening of the century to appropriate a name under which the Democratic party had at that time existed. The growing strength of this newly formed party was evident, and the increasing heat of public excitement, fanned into flame by the enactment in Congress of the "Fugitive Slave Law," resulting in the counter enactment in many Northern states of what were called "Personal Liberty" bills, the repeal of the Missouri Compromise act, the bill establishing territorial governments for Kansas and Nebraska, with or without slavery, as the people of these territories might choose; and the delivery by the Supreme Court of the Dred Scott decision had the effect of drawing to them many adherents whose

interest had previously only loosely attached to any precise form of doctrine on such subjects.

And contributing not a little to the firing of the Northern mind in the same direction was the novel *Uncle Tom's Cabin,* both in its book and in its dramatized form; and in the Central West the great debate between Lincoln and Douglas over the subject of slavery, in which Lincoln had enunciated his doctrine that "this country could not exist part slave and part free," had simply brought public excitement to a white heat. The nation had become little less than a powder magazine that needed only a single spark to produce an explosion, and that spark came out of the long and bloody war in Kansas, called the Border War, and John Brown's Insurrection at Harper's Ferry. These were the torches applied to the dry stubble, and the blaze went sweeping onward like a besom of destruction. The desirability of withdrawing from the Union began to be advocated in many parts of the South, through the press and on the stump, on the street corner and in the private home, and secession, as an abstract right, was defended. Eloquent orators like E. C. Jordan and E. W. Gantt, in our own midst, were not wanting to strongly advocate secession, recommending it as a proceeding which states of the North had themselves three times threatened to put into effect, over the Louisiana Purchase of 1803, in the Hartford Convention of 1815, and in the Haverhill Resolutions of 1842; but there were equally eloquent orators like John R. Fellows, John Kirkwood, J. M. S. Causin, and many others who made powerful pleas for the perpetuity of the Union, and so the debate went on from forum to forum, and from stump to stump, irrespective of whether the speakers were candidates for office, or merely discussing the tendency of the times.

The year 1860 brought matters to a crisis. It was in the midst of this condition of public unrest that an election for governor of Arkansas was held. Richard H. Johnson was the regular Democratic nominee, and his opponent was Henry M. Rector, who had resigned his seat as judge of the Supreme Court of Arkansas to become an independent candidate for the office. Johnson represented the views of extremists, while Rector's platform was for moderation and conservatism. After a campaign of tremendous excitement, Rector was elected. The vote cast was a large one, as the vote then stood 61,198, of which Rector's vote was nearly 32,000. The vote was, of course, affected by local issues and personal preferences, but the majority, as pronounced in favor of conservative views rather than the opposite, was significant.

Secession.

There is no room for doubt that the close of 1860 and the opening of 1861 found the Union sentiment in Arkansas in the ascendancy. This was not only reflected in the vote in the race between Rector and Johnson, but it was emphasized in the trend of public action. Rector, being inaugurated before the legislature which sat in January, 1861, delivered an inaugural counselling moderation in the impending crisis, and expressing conservative sentiments. In the exercise of their undeniable right as the law-making body of a state in the Federal Union, an act was passed by the legislature directing that a vote of the people be had as to whether a convention should be held "to take into consideration the condition of public affairs and to determine what course the state of Arkansas should take in the present political crisis." The vote upon the proposition exhibited a decided majority for the holding of the convention.

The convention thus ordered sat in March, with David Walker, of Fayetteville, as president. Its membership comprised the best and ablest minds in Arkansas. In its general result, nothing favorable to secession was done. Several times during the session measures providing for a withdrawal from the Union were presented, but they were either voted down or were strangled by parliamentary procedure, and the body adjourned to a date in August, but with power in the president to call it together again at an earlier date should the exigencies of the times require.

Two things it did were in the line of peace and the Union by unmistakable act. One was a vote of thanks to John J. Crittenden for his efforts to secure a compromise between the two divergent views of the times, and the other was to name five delegates to attend a peace convention proposed by the states of Virginia and Missouri, to be held at Frankfort, Kentucky, in May.

But the delegates appointed to it never served, for before the time arrived at which the convention was to be held, the nation was in the throes of a mighty war. Like a thunder-clap out of a clear sky came the news of the fall of Sumter, and the proclamation of President Lincoln calling for troops to put down the "Rebellion," and calling upon the unseceded states of the South to furnish a portion of them, the quota for Arkansas being put at 780 men. Governor Rector returned an indignant reply refusing to furnish the troops, and the convention, under the call of its president, assembled a second time. Events since their adjournment had completely altered public sentiment. The commencement of hostilities, the call for troops, the call upon Arkansas to furnish a portion of them, had entirely swept away the Union sentiment. The convention

was now practically unanimous for secession. Shortly after assembling, it passed an ordinance, introduced by William Porter Grace, of Jefferson county, "Dissolving the Union existing between the State of Arkansas and those united with her under the compact entitled 'The Constitution of the United States of America.'" The vote on its adoption was sixty-nine in the affirmative and one in the negative. The negative vote was that of Isaac Murphy, of Madison county, who was made governor when a state government was afterwards organized in Arkansas under Federal auspices.

The adoption of the Ordinance of Secession had not been any hasty conclusion impelled by the excitement of the moment, but had been a step taken in the deliberate judgment that the sacred ties of kinship and affinity demanded it. When the issue had been forced upon her that she must either assist in making war upon the other states of the South by remaining in the Union, or that she must stand with the South by going out, she promptly withdrew.

An eye-witness to the passage of the Ordinance of Secession said of the proceedings: "Doubtless every member who gave his vote for it realized that it meant a conflict. But what else could be done? Since the North had already begun the attempted subjugation of the South, it was war if we remained in the Union, and war if we went out. It was war, waged by us and through us if we stayed in, and war waged on us and against us if we went out. But every principle of honor and right dictated that we should rather be made war upon, than that we should, either actively or passively, suffer ourselves to aid in making war upon the other states of the South."

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Chapter III.

ARKANSAS FROM 1861 TO 1909.

The Outbreak of the War—Arming For the Struggle.

Following the Ordinance of Secession was a period of the utmost excitement. Companies, regiments, batteries, brigades, troops of every organization were formed with the utmost rapidity, and arming themselves as best they could hurried to the front to take part in military operations. Those regiments which were the first to organize went to Virginia, and were there enlisted directly into the Confederate service. The First Arkansas Infantry, James F. Fagan, colonel, went to Lynchburg, and were shortly sent to Acquia Creek on the Potomac River, establishing a blockade of Washington City against approaches by way of the river. The Third Arkansas Infantry went to Montgomery, Alabama, and thence to Virginia. As the regiments enlisted there was much of an effort to get the earliest numbers, so there arose a duplication of numbers as between First infantry and First cavalry, First in state troops and First in Confederate service, that resulted in much confusion afterwards, and necessitated renumbering some of the regiments.

The convention took measures to call out troops in state service for her defense, and for that purpose created a Military Board composed, at first, of the governor, Henry M. Rector, Benjamin C. Totten and Christopher C. Danley, to arm and equip troops. The Board issued a proclamation that sounded like a trumpet call. It was headed: "To arms; to arms; the enemy is invading our northern border," and

called for 10,000 volunteers in addition to those that were already in the field. These troops, with many others, were speedily raised and took part in the struggle. In short, it may be said that out of a voting population of 61,198 in the race between Rector and Johnson in 1860, fully five-sixths of the number, or 50,000 men, entered the Confederate service during the progress of the conflict.

Other regiments, as they formed, were sent into the northern part of Arkansas, and from there were sent to Island No. 10 and Fort Donelson, where they took part in the battles at that place; others were moved northward into Missouri under Gen. Ben McCullough, where they took part in that first bloody battle of the west, called by the Federals the Battle of Wilson's Creek, and by the Confederates the Battle of Oak Hills.

To get arms, to get ammunition, to get clothing, were subjects of prime difficulty with the troops as they were organized. Companies and regiments were formed with the men carrying shotguns and squirrel-rifles. Some companies went to the front with no arms at all, and others armed only with knives. What ammunition was to be had came from blockade runners, but as the war progressed, ammunition of inferior quality was supplied through home manufacture. Cannon for artillery use was scarcely to be had, until foundries could be brought into operation to cast rude specimens. For clothing the homes of the people were denuded of blankets, curtains, and even carpets for bedding, and of every species of wearing material that could be converted into clothing, or woven for it. And for hospital supplies women met in groups, in halls and churches and private homes, to scrape lint and make bandages, that were all too soon to be called into use. It was thus unprepared, and meagerly and insuffi-

ciently furnished, that the Confederate troops of that time entered into that momentous struggle.

Progress of the War.

The first burst of excitement that brought home to us a realization of the stupendous nature of the war into which the nation had been plunged was the Battle of Oak Hill, near Springfield, Missouri, which was fought largely by Arkansas troops, State Commanding Gen. N. B. Pearce taking part under Confederate Commander Gen. Ben McCullough; for out of the ten regiments engaged on the Confederate side, five of them, together with Woodruff's Battery of Artillery, were from Arkansas. This battle took place Aug. 10, 1861, when the intense excitement of the news of the Battle of Manassas of July 21 had but just swept over the state, and brought with it the knowledge that the awful conflict had begun. But this was nearer home to us, and our own men were numerously engaged in it and many had been killed, so that the import of it was more direct than the other. In this desperate engagement, which resulted in the defeat of the Federal army under Gen. Nathaniel Lyon, Churchill's regiment of cavalry, and McIntosh's, DeRosey Carrol's and Dockery's regiments of Arkansas troops sustained the brunt of the engagement, while Woodruff's Battery, in a prolonged artillery duel with Totten's Battery, was the centre of the fight, and contributed in no small degree to the ensuing victory. All of these commands lost heavily in the engagement, and we had now begun to realize the terrible nature of war.

Many of the Confederate regiments on enlisting did so for one year, and now that the time of enlistment began to expire, there was a general reenlistment and reassignment of commands, and this

time it was "for three years, or during the war," as the phrase usually went.

The early part of 1862 witnessed a severe battle at Pea Ridge, in the northern part of Arkansas, fought March 7, between a force of about 15,000 Confederate troops under Gen. Earl Van Dorn, and about 20,000 Federal troops under Gen. S. R. Curtis. The result of the battle was indecisive. The Confederates held their ground well and drove the Federal troops back at every point, but their movements were disconcerted by the loss of two of their best generals, James McIntosh and Ben McCullough, both of whom were killed in the action. The Confederates remained in possession of the field, but next day retreated southward. Curtis moved southeastward to Helena, where he took a position and fortified the place. Shortly after this the Confederate troops under Van Dorn were moved east of the Mississippi River to the Confederate service there, so that there were no Confederate troops in Arkansas at all for a time.

The Trans-Mississippi Department.

At this juncture the Confederate governmental authorities at Richmond organized the three states of Arkansas, Louisiana and Texas into a department to itself, called the Trans-Mississippi Department. Its General Commander was E. Kirby Smith, with headquarters at Shreveport, the command of the state of Arkansas being vested in Gen. Thomas C. Hindman, of Helena. Hindman took command in the spring or early summer of 1862, and proceeded to organize an army. This was done with effectiveness, so that he was enabled to hold the Federal troops in check from any considerable operations in the state. The northern portion of the state, however, was the scene of a number of skirmishes, ad-

vances and reconnaissances, but without any considerable engagement until December 7, when Hindman attacked Generals Herron and Blount near Prairie Grove in Washington county, where a sanguinary battle was fought, resulting in the complete repulse of the Federal forces. Herron retreated northward, and after remaining on the ground for a time following the engagement, Hindman also withdrew. Subsequent to this engagement Hindman was transferred to service east of the Mississippi, and the command of the army in Arkansas was devolved upon Gen. Theophilas H. Holmes.

Along with matters of a military nature, there is also to be mentioned one of a civil proceeding, in a change in the governorship. It was discovered that by a complication in the laws from the adoption of a new constitution, the term of Governor Rector had come to an end. In a special election to fill the vacancy, Harris Flanagin, of Arkadelphia, who was commanding a Confederate regiment in the field, was elected and served to the end of the war.

Hardships in Domestic Life.

By the end of the year 1862 the rigors of war had made themselves felt in domestic life with pitiless severity. All such articles as tea, coffee, spices and the like had become exhausted, and for their use inefficient substitutes were resorted to. For coffee, the substitute was parched rye, parched sweet potatoes, or parched peanuts. These made decoctions that could scarcely be called acceptable. Black pepper was not to be had, and only the red peppers of the garden were made use of where admissible. Sugar was scarce, owing to so many of the sugar plantations of Louisiana being uncultivated, or being in possession of Federals, but to supplement its

absence, farmers resorted largely to the growing of Chinese sugar cane, from which sorghum was made. Salt was plentiful, as the Lake Bistineau region of Louisiana was close at hand and wagon teams brought in all that was needed. All kinds of poultry was scarce. If meal or flour could be had, with potatoes, it was as much of a repast as usually could anywhere be found. All cattle, sheep and the like were rarely to be found, and if anyone had a milch cow it was regarded as a veritable fortune. Hats, shoes and clothing of all kinds were extremely difficult to obtain. Cloth, of both cotton and woolen, was supplied to a considerable extent by the women weaving with old-time looms, and the knitting of socks and comforters went on at an extensive rate. All medicines were by this time consumed, and as substitutes for the usual remedies, roots and herbs were made use of. For quinine in malarial disorders, the root of a wayside herb called *Vervinex* was used, or the balls of the button-willow of the swamps. For oils for medical use, that extracted from the *Palma Christi* beans, crushed out by rude presses like cider-mills, was used. And there was no direction but felt the pinch of want and the insufficiency of immediate appliances.

In addition to this the money of the Confederacy had steadily declined in its purchasing power, so that it took many dollars of it to equal a dollar of gold, or other value. A pair of boots, of the poorest of home-made leather, sold for $80; a pair of shoes, $35; a sheep, $50; a turkey, $20. If fish could be had from the streams, or game from the woods, it seemed like a veritable feast.

And thus with the pinch of misery at home, and the heartache at every fireside, and with armies contending in the field, it was a time to make the stoutest heart heavy.

The Disasters of 1863.

The year 1863 culminated in a series of disasters for the Confederate arms. It opened darkly in Arkansas by the assault and capture of Arkansas Post, in January, in a combined army and navy movement against it, by a large force under command of General McClernand, supported by the navy under Admiral Porter. The Post was defended by Gen. T. J. Churchill, with a force of about 3,000 Confederates. After a gallant defense of the place for three days, in which a number of desperate assaults were successfully repulsed, the garrison surrendered and were made prisoners January 11.

July 4 marked the period of the greatest disasters of the year for the Confederate side, for at that date occurred the Battle of Gettysburg, with the defeat of Lee, the fall of Vicksburg to the victorious Grant, and lastly a crushing defeat sustained by the Confederates under Holmes at Helena. The place was strongly fortified. The Confederates made a gallant attack and captured portions of the breastworks, but were subsequently driven out with great loss and compelled to retreat across the country. Holmes was shortly afterwards relieved of his command, and was succeeded by Gen. Sterling Price, of Missouri.

Following this defeat General Steele, who was now in command of the Federal troops, set out from Helena with a force of some 20,000 men for the capture of Little Rock. He pushed through the country to White River, meeting but little opposition, until he reached Little Rock, only being engaged in skirmishes and minor engagements. In this way he easily reached within striking distance of the capital.

The Confederate camp had been established mainly on the north bank of the Arkansas River at Little Rock, where a strong line of breastworks had

been erected to defend the city from an approach from that direction, but no defenses had been erected upon the south side of the river, on which the city lies. Steele, by the simplest strategy, rendered the fortifications useless by crossing a squadron of cavalry under General Davidson to the south bank to advance upon the city by this direction, wholly undefended as it was. This necessitated the hasty withdrawal of the Confederate troops to the south bank of the river, to oppose the advancing columns in that direction, leaving their formidable breastworks untenanted and undefended. Seeing this, Steele advanced along the north bank, passed over the undefended breastworks, and planting batteries opposite the town began a bombardment of it, as it lay entirely at his mercy. In the meantime the Confederates, hastily moved to the south side, had successfully checked the advance of Davidson from that direction. But Price realized that the situation had become one where it was necessary to fight with an enemy in both front and rear, or else to retreat, so he chose the latter course and evacuated the place, which thereafter remained in Federal control to the close of the war. The date of these movements was Sept. 10, 1863. Price, retreating southward, pitched his camp on the Ouachita River, where he remained the winter, and there were but few other military operations in Arkansas for the remainder of the year.

Campaigning in 1864.

General Steele remained at Little Rock during the winter of 1863, strongly fortifying the place, as there were rumors that attempts would be made by the Confederates to repossess it. In the spring of 1864 he set out with his army to follow Price, but he met with a considerable check at Mark's Mills and Poison Spring, and at Jenkins' Ferry in the

Saline River bottom his army was so badly worsted that he made a hasty retreat back to Little Rock. It was for a time a question whether he would ever be able to extricate his force from their perilous position, as the Confederate forces under Fagan were hurrying to Little Rock to intercept him, but Steele, traveling on the shorter line, made good his escape, and returned to the capital thoroughly discomfited.

Matters remained in this condition until September, when Price started from his camp in southern Arkansas on a raid into Missouri. He marched his army as far north as Kansas, fighting many battles, the principal of which was at Pilot Knob, in Missouri, where his forces were repulsed with great loss. The general result of the expedition was fruitless, and after having gone as far north as the Marais des Cygnes, in Kansas, where they met with a considerable reverse, the army turned back and returned to Arkansas.

This was the end of military operations in Arkansas, for the great war, having been fought out to the bitter end, was drawing to a close. Sherman had marched through Georgia like a sword piercing the very vitals of the Confederacy. In Virginia the two Titans, Grant and Lee, had struggled until the latter fell, and the curtain was rung down upon the ghastly conflict of four years' duration by the sheathing of his sword at Appomattox, and the Confederacy was no more.

Thus the most stupendous war of modern times had come to its termination. The South, exhausted in her momentous struggle against overwhelming odds in men and material, laid down her arms and turned to the gentler pursuits of peace. From the havoc of the times she heroically took up the task of rebuilding her broken fortunes, and repairing the sad ravages of a desolating war.

"When the last echo of hostile cannon died away over her blasted fields, and left Silence brooding in the midst of Desolation, she did not sit down in idle grief, like Rachel weeping for her children, and refusing to be comforted because they were not, but like David, when his son was dead, she restrained her unavailing tears and reëntered nobly upon her duties."

Resumption of Civil Concerns.

With the fall of Little Rock in September, 1863, the Confederate power had entirely disappeared from the northern half of the state, or all north of the Arkansas River, and was concentrated in the southern portion, or below the river. Harris Flanagin was the Confederate governor, the state capital having, by his proclamation, been established at Washington, in Hempstead county, at which point also the Confederate Supreme Court sat.

In January, 1864, a convention was held in Little Rock, attended by delegates from twenty-three out of fifty-five counties of the state which were in Federal occupancy, at which a constitution was drafted to be submitted to a vote of the people therein, and at the same time officers for state and county government and for members of Congress were to be voted for. The election, held during three days of March, 1864, was under military auspices. The vote cast was in the aggregate less than 12,500, being in the proportions of 12,177 for and 266 against the adoption of the instrument. The vote, of course, represented only a very small fragment of the people of Arkansas, more than two-thirds of whom were still in arms against the United States, but it was proclaimed as sufficiently establishing a state government, which was declared to be in effect from that time. In the election of officers held at the same time, Isaac Murphy, of Madison county, who

had been the only delegate in the Secession Convention who had cast his vote against withdrawing from the Union, was chosen as governor, and was inaugurated as such in April following, and with him a full complement of officers for a state government were inducted into office.

In the year 1864, also, the Federal court was reestablished at Little Rock through the appointment, by President Lincoln, of Henry C. Caldwell, of Ottumwa, Iowa, as United States district judge for the eastern district of Arkansas, with Charles P. Redmond, of Dubuque, Iowa, as district attorney; Robert J. T. White, of Virginia, clerk, and W. O. Stoddard, of Missouri, marshal.

Thus the machinery of state and Federal government was set in operation over one-half of the state, and when the collapse of the Confederacy occurred in the following year, their jurisdiction embraced all.

The former members of the Confederacy now had a new and serious situation to face, in addition to their poverty in a monetary sense. This was through the action of the authorities in power instituting proceedings to confiscate the property of prominent property owners who had taken part in the war on that side, providing that lawyers should not practice in courts until they had taken what was called the "test oath," which was to the effect that they had not aided or abetted the Confederacy, nor been engaged in disloyalty to the Federal government; and lastly, by causing many persons to be indicted and arrested on the charge of treason.

Under the first-named of these proceedings the dockets of the courts were loaded with confiscation cases. The property of many citizens was sold under condemnation proceedings, and the owners dis-

possessed in favor of purchasers, who were usually mere adventurers.

In the matter of the "test oath" for lawyers, its operation was a practical exclusion of the entire fraternity of the state, for all had been unanimous in their support of the Confederacy. The validity of this requirement was tested by Augustus H. Garland, afterwards governor, senator and attorney-general of the United States, in a case entitled "Ex parte Garland," in the Supreme Court of the United States. In a masterly argument there, Garland established his fame as a great lawyer and succeeded in overturning the test oath requirement, thus setting the matter at rest for the whole country.

Proceedings against citizens on the charge of treason were more numerous still. At the session of the Federal grand jury of April, 1865, indictments for treason were returned against 243 prominent persons, who had been active in the cause of the Confederacy. Most of these cases were disposed of by the parties obtaining and pleading a pardon from the President, under the amnesty policy which was being pursued in the administration of national affairs. Other cases not disposed of in this way were never brought to trial. In general, it may be said that no man was punished by trial through court of law for his participation in the war on the Confederate side. In all the body of the law no statute could be found to incriminate any man for having obeyed the commands of the law-making power of his state; so closely were the rights of the state interwoven with the fabric of the general government in the governmental plan devised by the fathers of the Republic, and so complex and paramount was the duty owed by the citizen to his state, as compared with the duty he owed to the Federal organization in the nation's texture and plan.

AUGUSTUS H. GARLAND.

Reconstruction and National Affairs.

If the people of Arkansas had been permitted to work out their own destiny under the beginning which had been made, the course of subsequent events would have been far less distressing. But the turn of affairs at the national capital bore heavily and ruinously upon the destinies of Arkansas. From having been bitter and vindictive towards the people of the South, President Andrew Johnson, successor to the lamented Lincoln, had now become conciliatory, and had issued proclamations of pardon and amnesty to very nearly all who had cast their fortunes with the Confederacy, and providing for the return of the seceding states to the Union on the simplest and easiest conditions. His policy in this respect was not satisfactory to the extremists of his party, who raised the cry that "the fruits of the war were being lost," and that "treason must be made odious." This finally led to a rupture with the President and an attempted impeachment of him, and resulted in the passage by Congress of a drastic act entitled "An act for the more efficient government of the Rebel States," reciting that no legal state government existed in said states, nor was there adequate protection for life and property therein.

As far as Arkansas was concerned this statement was wholly false, for a state government inaugurated by their own party had been in operation for four years. Everything was peaceable, and was beginning to show recovery from the devastating effects of four years of warfare. The laws were administered, progress was in vogue, and the entire governmental machinery was moving along smoothly, with a Republican governor at the helm and many of the same party holding office under him.

Under this Act the states of the South were divided into five Military Districts, each district to

be governed by a military appointee. Arkansas and Mississippi were joined as the fourth district, under Gen. E. O. C. Ord, Arkansas being made a subdistrict under Gen. Alvan C. Gillem. The substitution of the military power for the civil resulted in the ouster from office of those holding through regular elections, held in pursuance of the provisions of the constitution in force under which the Murphy government existed, and the substitution of selected favorites as appointees, according as caprice or favor dictated. It was the overturning of the entire civil list and the supplanting it by military appointees, selected with little regard for either fitness or qualification.

It is now known that the sentiment of the dominant party of the time was not united on the propriety of these proceedings, but that the coolest and wisest of them denounced the provisions of the act as sheer political madness. But the sedate counsels of the minority could not prevail against the white heat of passion which was in the air, and the thirst for revenge swept the majority into measures as reprehensible as this one was.

Of course neither Arkansas nor any of the Southern states had any voice in the enactment of this law, as none of them had been accorded admission to Congress, although three full years had elapsed since the entire cessation of hostilities. They simply lay prostrate and supine, awaiting the stroke of the headsman's axe, without a voice to raise a cry of protest in their behalf.

In his dilemma President Johnson took the opinion of Attorney-General Stansberry as to the validity of the Reconstruction Act, and the opinion being in the main against its validity, the opinion was issued to department commanders for their guidance.

The act provided for registration of voters as a prerequisite for voting, but gave the registration boards the privilege of striking from the list any names that they saw fit, and for no other cause than as their own will and pleasure dictated. Under these features many citizens applying to register were rejected because they had participated in the "rebellion." Others applying were received, but their names were afterwards secretly stricken off, and their applications to vote were refused because the name did not appear on the list. Many declined to attempt to register, holding the entire proceedings null and void, in the line of Attorney-General Stansberry's opinion. In this way, the election for delegates to a constitutional convention and for state officers at the same time was no better than a farce. Nearly 20,000 registered votes were not cast because the law, as originally enacted, required a majority of all the registered voters, hence, not to vote was equivalent to voting in the negative; but within three days of the election an amendatory act was passed in Congress, making the result of the election to be governed by the vote of a majority of the votes cast, and not by a majority of those registered. The approval of this act making it a law was telegraphed the day before election to all Republican sources, but the Democratic vote was kept in ignorance of it, so that by this trick the strength of their registered vote was thrown away. The polls, which were opened and kept under military auspices, were held open for five days, March 13 to 18, 1868, and where a definite number of votes was lacking to make majorities in one county they were freely supplied in the count of some other county. More votes were cast in some counties than there were registered votes in the county, voters voted in one county being registered in another, one ballot box would be sub-

stituted for another, and so on. But notwithstanding these glaring conditions, which were fully shown and unavailingly contested, the new constitution, filled with disfranchising features for as much as half of the entire Democratic vote of the state, if not more, was declared carried, and with it a new set of state officers, headed by Gen. Powell Clayton, who had been a Federal cavalry officer of Kansas troops, as governor, and with him a full complement of state and county officers who were new and strange to the people. This election was the first at which the negro vote was cast in Arkansas.

Martial Law and Republican Control.

The inauguration of Governor Clayton and those with him gave the entire control of affairs into Republican hands, with fully 30,000 Democrats disfranchised and denied any voice in governmental affairs. Republican control introduced an element which was alien and strange to Arkansas. They were in the main an element attracted by the opportunities of the times, imbued with the idea of gathering in all that could be had, and wholly unscrupulous as to methods of doing so; or as the unconcealed phrase of the times expressed it, intending "to squeeze Arkansas as dry as a sucked orange." Their local designation was that of "Carpet-baggers," as, having no interest in Arkansas or local habitation therein, they came with no other possessions than what they could bring with them in a carpet-bag grip-sack. It goes without saying that they were generally of an adventurous class, or, as a prominent politician expressed it, "had no interest in the state or the people beyond the office they held, and expected to depart as soon as it ran out, after having made out of it all that was possible by fair means or foul."

With this condition existing, political supremacy opened the way for a series of bond issues for funding purposes, for alleged railroad and levee aid, which was reckless in extent, and so scandalous in nature as to receive the merited rebuke of Congress, through a report on the subject made by an investigating committee sent by that body for the purpose of examining and reporting as to the legality of the government established under the constitution of 1874. All the bond issues of the past, including the disputed Holford Bonds, were gathered into a Funding Act and reissued; railroads were granted aid bonds for roads that were never built, and for issues far in excess of that allowed by law. Issues of bonds were made where rails had been laid in one direction, and a second issue where the same rails had, after being taken up, been laid in another direction. Levee aid was issued to railroads for embankments near streams, to which roads railroad aid had been given for the same embankments; county bonds were issued for the building of court houses and jails that were never built, and so on. In these and similar ingenious ways a bonded indebtedness of near $10,000,000 was fastened on the state, of which probably not a tithe was for actual public improvement, and proportionate indebtedness upon many of the counties thereof, under the burden of which both state and counties struggled for years, and which the counties generally paid, or are even now still paying; but the state, by means of an amendment to the constitution, known as the Fishback Amendment, refused to pay the disputed Holfords and the railroad aid and levee bonds to the extent of near $9,000,000, as having been fraudulent in their issue and in their application. The railroad aid and levee bonds had previously been declared illegal and void by the Supreme Court of the state because the act

under which they were issued had never been passed by the legislature, and the Holfords had been declared by the state, before the war, to have been illegally put forth by the bank holding them, and to have been fraudulently converted by their holders.

To add to the discomforts of the times, Republican control brought with it negro ascendancy, described in semi-humorous publications as "the bottom rail on top," and "black heels on white necks," and the like; sayings that were far too true to be relished. The negro vote formed the bulk of electoral strength, and through this means the appearance of the negro as a public official was as frequent as it was exasperating. There were negro legislators for the making of laws, negro sheriffs, negro clerks, negro constables, negro justices of the peace, with the ballot, for which they were wholly unprepared, thrust into their hands, too ignorant to use it intelligently, or in any way except as dictated by their radical white bosses; ignorant and insolent, overbearing and insulting, lording it over the whites, while the best and highest of the Southern people stood disfranchised, denied and deprived of the privileges accorded to the lowest and most degraded of the blacks, making a situation trying, indeed, and hard to be borne.

Nor was it long until, with a devilish ingenuity, the burdens on the already heavily laden Southern people were made all the greater by augmented taxes through the medium of higher rates and increased assessments. The Southern whites were the landed property owners. Hence, any burden of taxes inaugurated rested not upon the shoulders of the newcomers, but upon a people already impoverished by the results of the war, just as to-day, the burden of the tax for the education of the negro rests not upon him, but upon the white Southern

property owner. And not only were assessments on real estate doubled and thribbled, but the same was done with the rate of taxation until, between the two, the amount of the tax was so enormously increased that it was no longer taxation, but downright confiscation itself; so that lands and homes were lost without number, while the proceeds wrung from the distressed and overburdened people were squandered among government favorites and through extravagant appropriations. And this on top of another unbearable burden in the shape of a direct tax, levied and collected in the states of the South by authority of Congress herself; a tax so manifestly oppressive and unjust that forty years later a returning sense of fairness caused Congress to refund to those States, to be distributed to whom it belonged, the amounts that had been wrung from them. Restitution made; after those from whom the tax had been extorted and who had felt the burden the keenest, had so long ago fallen into that sleep undisturbed by tax-gatherers, that in many instances even their most remote heirs could not be found.

Registration and Martial Law.

It was reserved for Republican control in Arkansas to resort to a more high-handed measure in the matter of registration than had been anywhere conceived of. The peculiar structure of the prevailing laws made registration a prerequisite for voting, and, as we have seen, gave the registration boards full power to strike off in secret any names they pleased; but not content with this despotic and unlimited resource, when the Presidential election of 1868 was approaching, Governor Clayton, by proclamation, declared invalid and set aside at one fell swoop the registration in twelve Democratic counties, with a registered vote of 13,750, and in which

majorities of 2,865 had been cast against the constitution of 1868, and only a majority of forty-three for it in one of the counties, and no vote was cast in, or received from, those counties. There is but small cause for wonder under such tactics the vote of the state should be given to the Republican candidate.

Following this unprecedented move, Governor Clayton, although it was a time of profound peace and the laws were being executed without hindrance, declared martial law to exist in the fourteen counties of Ashley, Bradley, Columbia, Lafayette, Mississippi, Woodruff, Craighead, Greene, Sevier, Little River, Fulton, Drew, Conway and Crittenden. The entire state was divided into four Military Districts, under commanders specially selected for carrying out the governor's proclamations. Bodies of militia, composed of the most reckless and desperate personnel, were sent into those counties, with orders to forage off the county, but to pay for what they took "on proof of loyalty." To the inhabitants of those counties it was a veritable reign of terror, as it was made the occasion of widespread killing and plundering of the people. Much that was taken was never paid for, houses were burned, many citizens were killed and other crimes committed. with the civil law suspended and martial courts substituted in their stead. Altogether it was the very darkest period of the state's history, and is remembered with terror by any who knew of its incidents.

As a sequel to this horrible condition of affairs an act of the legislature was passed by Republican representatives, absolving all persons who had served in the state militia from accountability for any act done while in such service. This was tantamount to acquitting, in advance of legal proceedings, any person who, while so engaged, had committed any crime, however great, and whatsoever its

nature might be. Certainly criminality must be wholesale when it calls for wholesale defense!

The existence of martial law in these instances was pronounced by the Federal Military Commander of the District to be entirely unnecessary, and to possess no justification for its existence. It was nothing other than overawing the people with the heavy hand of military power, and with all the horrible aspects of a condition worse than war.

The Brooks-Baxter War.

Every political party having undisputed sway is liable, in time, to fall apart from internal dissensions, and that is what befell the Republican control in Arkansas of the period of reconstruction. In time there grew to be a division styling themselves Reform Republicans, disagreeing with the methods of the leaders. Their chief exponent was Joseph Brooks, a man of strong personality, fearless in courage, powerful in debate, with a voice and physical strength unwearying in duration. From his disagreements with the Clayton faction he had become the head of a considerable following of his own party, and, in his candidacy for the office of governor, by his promises of reform in existing political conditions, had drawn to his support much of the Democratic strength, which turned to him as their hope of securing justice and fair dealing. His opponent was Elisha Baxter, of Batesville, for long time a resident of Arkansas, who was put forward as the candidate of the regular, or radical wing of the Republican party. In his canvass Baxter likewise promised reforms, particularly in restoring the ballot to disfranchised Democrats, and principles of the kind were inserted as pledges in his platform. In the contest that followed the Democratic vote was generally given to Brooks, and the Republican

vote to Baxter. When the count was made Baxter was declared elected, and was inaugurated as governor before the legislature, which tribunal was, by law, the sole and only tribunal made competent to determine the subject. Brooks made a contest before this body, and elsewhere, but unavailingly. Finally he brought a suit in the Pulaski circuit court, claiming the office. Baxter, in his administration as far as conducted, had shown a disposition to be fair to all and to carry out the pledges of his candidacy, and had resolutely refused to do the bidding of his radical backers in the issue of more railroad bonds, in consequence of which they forsook him and took up the cause of Brooks, seeing which the Democratic feeling rallied to Baxter, whom it had previously opposed. While matters were in this condition things were brought to a crisis by Whytock, judge of the Pulaski circuit court, upon a trifling plea in the case requiring further pleading, rendering a full decision declaring Brooks the rightful governor and entitled to the office. At once Brooks proceeded to the state house with a handful of his followers, and entering Baxter's rooms forcibly ejected him therefrom, took the oath of office and issued a proclamation styling himself governor of Arkansas.

His supporters seized all the arms in the state armory, and prepared to maintain themselves by force. Baxter withdrew first to St. John's College in the outskirts of the city, but next day established himself at the Anthony House, within two blocks of the Brooks forces, and issued a proclamation calling out the military forces of the state. Answering his call a vast uprising of the people flocked to him from all parts of the state and were speedily enrolled as state militia, under command of Generals Robert C. Newton and T. J. Churchill. The thirty days in which this embroglio lasted was filled with conflicts

in which many persons lost their lives, both participants and bystanders. It was a time of terror at the capital, where no man's life was safe, and where bystanders and spectators were killed as frequently as participants. Finally Baxter called a session of the legislature, which, upon assembling, recognized him as the lawful governor, and upon this being laid before President Grant, he issued a proclamation recognizing Baxter as the legitimate governor and calling upon the Brooks forces to disperse.

Thus came to an end this flurry of strife, but its results were far-reaching. The legislature called a convention to frame a new constitution to be submitted to the vote of the people, and upon its submission, wearied of the strife and maladministration which had prevailed for the past six years, the popular vote for its adoption was a majority of nearly 54,000. Augustus H. Garland was elected governor under it by a vote of 76,453, and the other officers with him by about the same. Baxter was tendered the Democratic nomination for governor at this election, as they looked upon him as the Moses who had led them through the wilderness of their past sorrows and perplexities, but he declined, and Garland was nominated in his stead. As a recognition of the great service he had rendered his people, the legislature put upon record a concurrent resolution declaring that Governor Baxter was entitled to the eternal gratitude of the people of the state, for his resolute and manly course.

And thus the people of Arkansas, after weary years of contention and strife, at last came unto their own. It was, it is true, to find the state bankrupted in finances and heavily in debt, with not sufficient money in the treasury "to buy enough wood to make a fire in the governor's office," as Garland humorously expressed it, but it was liberty for the

people, and in this rejoicing they addressed themselves with vigor to the task of working out their own destiny under the new conditions.

State Governments Under Democratic Control.

The constitution of 1874 had hardly been proclaimed as in effect, and Governor Garland had hardly begun his administration before the Republican managers made an ineffectual attempt to seize the reins of government. Their programme was to regard the constitution as a nullity and to declare that Baxter, having abdicated the office of governor, it descended to Volney V. Smith, the lieutenant-governor under the former constitution. Accordingly, as soon as Garland was inducted into office, Smith issued a proclamation declaring himself the successor of Baxter, and as such the rightful governor of Arkansas. The proclamation, however, produced nothing but a momentary sensation. Governor Garland at once ordered the arrest of Smith as an insurgent. Smith was never, in point of fact, arrested, but being appointed by President Grant to office in the Island of St. Thomas, repaired thither for a time, but returned to Arkansas and became clerk of Lafayette county.

But a farther effort still was made to reverse the verdict of 1874, and that was taken at the national capital. President Grant sent a special message to Congress relative to the Arkansas case, giving his opinion that all the testimony showed that "in 1874 the constitution of the state was by violence, intimidation and revolutionary proceedings overthrown, and a new constitution adopted, and a new state government established," and asking Congress to take action on the matter "to relieve him from acting on questions which should be decided by the legislative branch of the government." Upon this,

Governor Garland himself invited an investigation on the part of Congress into the legality of the state government of Arkansas, and a committee for the purpose was appointed, with Hon. Luke P. Poland, of Vermont, as chairman. The committee visited Little Rock to take testimony, and personally inspected the condition of affairs. Becoming satisfied as to its legality in all respects, they returned to Washington and reported the result of their investigations.

The committee made a report to Congress setting out their conclusions strongly, which was adopted as satisfactory, and proved to be a conclusion of the whole matter. The Garland government was not further molested by attempts to uproot it, and from that time the state government under the constitution of 1874 has stood upon a solid and enduring foundation, "broad-based upon the people's will," and undisturbed by further attempts to unsettle them.

After the perturbed condition of affairs which had previously existed, public matters settled down to a condition of calmness and peace, the beneficial effects of which were seen in a revival of business, in immigration and in progress in public enterprises.

In the state administration succeeding that of Garland, there is little needing to be chronicled in an individual way. One after another they went by, with the state witnessing a steady growth in population, in resources and material. At times flitting disturbances arose, but in the main there was growth and peace. Only to the administration of Gov. Dan W. Jones did there come the particular excitement of the outbreak of the War with Spain, and to his active efforts is due much of the credit that the Arkansas troops were put into the field speedily and efficiently. These regiments were held in reserve

camps at Chickamauga and other points in the United States, and were not sent into active service in Cuba, though they showed themselves efficient.

A Retrospect of General Advance.

In the sketch of the thirty-four years that have elapsed since Arkansas passed back into Democratic control, the state has experienced her noblest progress. The laws have been conscientiously and prudently administered, wise and competent governors have been at the helm in conducting public affairs, and able and skilful assistants have upheld their hands therein. Her finances have been economically and prudently managed, old encumbrances have been wiped out and reduced, burdens of debt in both county and state have been paid off and discharged, until only the merest fragment of any public debt remains, and with abundance of resources wherewith to discharge it. Great railroads thrusting through her midst have built up towns and cities alike. Capital flowing into her borders has set in operation mills and machinery, workshop and factory. Her mines and minerals have been developed to become a centre of attraction to the whole world. Her stone quarries have been uncovered to bring forth building material which is sought for from far and near. Her forests are drawn upon to supply the depletion elsewhere. Her fruits and products overtop the best of the earth's gleanings when brought into competitive exhibition, and the quality and bounty of her harvests elicit unbounded praise. Population has increased from less than half a million to be a million and a half, and the public revenues, gathered through moderate taxation, have been largely augmented by vast increase of values in property and possessions. The public school system has been developed to be the peer of any in the

South, and the cause of education has been put upon a high and advanced plane—a source of pride and satisfaction.

Public buildings have arisen for her state institutions, for churches, schools and colleges, that vie with the best in any section, and at her capital there stands, nearing completion, for the housing of her departments and her state officials, a structure comparing well with those of a similar nature anywhere.

Her capital city itself has taken rank as one of the fairest and finest cities in the entire Southwest, and others of her cities have grown to splendid proportions and with corresponding attractiveness.

And certainly the eminence of sons of hers has given her a world-wide prestige. Augustus H. Garland, governor and senator, stood at the head of the law department of the United States as attorney-general; U. M. Rose, great in his fame as a lawyer, president of the American Bar Association, served as a representative of the United States in the Peace Congress at the Hague; James K. Jones acted as chairman and the executive manager of the Democratic party in presidential elections in two campaigns, and Albert Pike, by the greatness of his literary achievements earned a fame as wide as the world.

From what has come this advance, the fruits of which we, of the present hour, enjoy?

It is because, rejoicing in the existence of a beneficent government, economically administered, the people at large have put forth their efforts for self-advancement, while, attracted by her advantages of soil and climate, and by her varied products and their abundant yield, many have cast their lot in among us, imbued with the same desire to push onward to a higher rank, and bring out in their fullest strength her manifold possibilities.

In this march of progress the patriotic spirit of

the people has at all times been in unison. When the conflict with Spain was imminent and the tocsin pealed the dreadful note that spoke the rising war, at the call of the President of the United States the troops asked of Arkansas were speedily raised and equipped, and with alacrity took the field in the Nation's defense. If doubt existed in the minds of any that the men of the state would rally to the Nation's call, that doubt was forever set at rest by the manner in which her sons, and especially those who had worn the gray, enlisted under the flag of our reunited country.

Conclusion.

What, then, may we claim for Arkansas has contributed to the building of the Nation in this central fragment of her history which has been under consideration? In brief: brave men who fought her battles when the Nation was involved, gallant commanders who won imperishable renown, statesmen who graced the halls of legislation, diplomats who widened the borders of our public domain, orators of eloquence "to melt the waxen of men," writers who have enriched the pages of literature with their gems. This she shows for her sons, while she herself, through this particular portion of her existence, pushed on the car of progress unto an enviable plane of advancement.

May she, beginning with a zealous few,
Rise in importance; 'till her influence through
All spheres of heightened thought and sense be found;
Her seeds of Wisdom fall in favored ground;
The light she backward flingeth serve to stead
The feet that grope in darkness as they tread;
And growing strong and stronger, may she stand
A lofty beacon, seen through all the land;
'Till last she shines in Fame's high-towering crest,
Like that large star that glitters in the West.

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FAY HEMPSTEAD,
Author of Hempstead's History of Arkansas.

THE HISTORY OF TEXAS.

Chapter I.

TEXAS AS A PART OF MEXICO.

PICTURESQUE as this period is, it lacks unity. Since the American element, however, once introduced, was of steady growth and ultimately became dominant, attention must be centred upon what led to its introduction and upon the causes of its final success in directing the fortunes of the province.

Boundaries Variable.

Texas as a part of Mexico had variable boundaries. In Humboldt's time the province of New Mexico was wholly independent of Texas, El Paso being its southernmost garrison. In the first decade of the Nineteenth century, when Humboldt wrote his account of New Spain, the province of Texas belonged to the intendency of San Luis Potosí. The nearest *presidio* or military post was that at Nacogdoches, some sixty-eight leagues, says Humboldt, from Fort Claiborne, the farthest settlement in Louisiana westward. Against the claim of Louisiana to the land east of the Lavaca stood that of Spain to the land eastward as far as the Rio Mermentas, which flows into the Gulf beyond the Sabine.

On the west the Mexican authorities gave Texas the Nueces and the Medina as her boundaries. The

Marqués de Aguayo in the account of his *entrada* in 1721 names the Medina as the boundary dividing her from Coahuila. The Nueces divided her from Tamaulipas. It was not until the Fredonian War that any Texan claimed the Rio Grande as the western boundary. After San Jacinto the Republic reiterated this claim.

Spain was engaged from the time of her great period of colonization in European struggles, which kept her from making full use of her splendid opportunities in America. Hence two centuries elapsed after the first great voyage of Columbus before Texas even received a name. Legends such as those of the *Seven Cities of Cíbola,* wanderings such as those narrated by the shipwrecked Cabeza de Vaca, authorized explorations such as that of the friar Niza, armed expeditions such as that of Coronado, *entradas* or official visits such as that of Captains Martin and del Castillo show the gradual growth from story-filled ignorance to actual occupation.

These marches led, naturally, to a claim on the part of Spain to territory northward and eastward of Mexico. The land east of the Rio Grande, however, was not really occupied until the claims of France, based on the last voyage of La Salle, threatened the validity of those of Spain.

Early French Explorations.

Spain had failed to push the advantage given her by the wonderful westward raid of De Soto; and France, moving up the St. Lawrence and the Great Lakes, had floated in the person of La Salle down the Mississippi and repeated the discovery of De Soto. Winning thus the favor of his great king, La Salle sailed once more at the head of a royal expedition to plant a fortified post near the mouth of the mighty

river. Sailing beyond it, he reached what is now Matagorda Bay. Taking this for one of the mouths of the Mississippi, he landed and encamped. Further misfortunes and losses, along with recognition of the fact that he was not on the Mississippi, led him to build a fort and then try to make his way to his proposed destination. The fort, called St. Louis, was erected on a river named by La Salle La Vache, later the La Vaca of the Spaniards. The banner of the lilies now floated over the soil of Texas.

The summer of 1685 swept most of the garrison away. La Salle made two trips eastward to no avail, and in a third attempt to reach the desired region he was assassinated by one of his own men. The settlement on the Lavaca did not long survive him. When the Spaniards reached it in 1689 they found it deserted.

Settlement by the Spaniards.

Once aware of its existence the authorities in Mexico had sought for it by sea and land in vain, until at last Capt. Alonso de León, accompanied by Manzanet, a Franciscan friar, marched from Monclova and reached the deserted fort. The viceroy of New Spain now resolved to forestall any future occupation by the French, and planned a permanent Spanish settlement. Four survivors of the French garrison had been found among the Tejas near the fort, and through them Padre Manzanet held communications with the Indians, which encouraged him to hope for their conversion. Consultation between the ecclesiastical and military authorities ended in the decision to go back with a larger force, León to destroy the fortifications and Manzanet and three other Franciscans to Christianize the natives. After destroying Fort St. Louis they set out for the country of the Tejas and there established the mission

of San Francisco de los Tejas. The flag of the lions and the castles now fluttered in the breeze far to the eastward of the spot on which that of the lilies had waved.

Leaving there three *padres* and three soldiers, the others returned. Drought, overflow, famine, pestilence and mutiny soon brought an end to this first mission. It was formally abandoned in 1693. Revived in 1716 under another name, it was finally transferred to the San Antonio and again renamed. The buildings of the original mission being of wood, there remain no traces. It is only known that it was near the present town of Nacogdoches.

In 1691 an *entrada* made by Capt. Domingo Terán reached the country of the Cadodachos on Red River after great suffering from cold and famine. Their return route was largely by sea.

These earlier marches and settlements giving prominence to the tribal name of *Tejas* or *Texas*—a mere variety in spelling, not in the Spanish pronunciation—gave the land its most abiding name. *Nuevas Filipinas* long remained the official designation, but failed to take firm root among the people.

The Indians were thinly scattered. On the authority of one of the missionaries, Tejas was the name of a confederacy of nearly thirty tribes in the south and east. The Apaches, Comanches and Kiowas were rovers who wandered through the north and northwest. On the coast and along the Colorado and Brazos were the fisher tribes, the Lipans and the Carancahuas. The Hasinai or Cenis, who occupied the lands about Buffalo Bayou, the San Jacinto and the Trinity, were dwellers in beehive-shaped cabins. They raised corn and traded through the Comanches with the Spaniards for articles of luxury. The Nassonis lived between the Trinity and the Sabine. In the interior

roamed the Toncahuas, the Huecos and the Tehuacanos.

The War of the Palatinate and that of the Spanish Succession kept France so busy that, except planting the outpost mission of San Juan Bautista in 1700, the Spanish authorities grew sluggish again and did little to strengthen their hold on the Rio Grande and the country east of it. With Louis XIV. too much engaged in Europe to dream of pushing the claim based on La Salle's settlement at Fort St. Louis, and then again with a grandson of Louis XIV. accepted by the Spanish people as their king, there could be no fear of French occupation, no jealousy of French intrigue.

French in Texas; Saint Denis.

Yet at this very time France was making good her claim on the Mississippi region. In 1699, the year before the death of the last Spanish Hapsburg, the Sieur d'Iberville founded that colony at Biloxi which was the precursor of New Orleans. Trade with the Indians was the life of this new colony, and in 1712, six years before its transfer from the shore of Mississippi Sound to the bank of the great river, Antoine Crozat received from the king the grant of a monopoly of the Louisiana trade for fifteen years. Crozat and the governor, Lamotte Cadillac, were eager for commerce with the Spanish colonies. The way was at last opened by the religious zeal of Fray Francisco Hidalgo. This missionary, longing to reoccupy the country of the Tejas and appealing in vain to the home authorities, made up his mind to take advantage of the commercial cupidity of the French. Cadillac responded with alacrity to his proposition. The Church was to be aided by the establishment of a mission among the Hasinai or

Asenais, and the French were to get commercial access to the Rio Grande.

The leader chosen for the expedition was the brilliant chevalier Louis Juchereau de Saint-Denis. Already a seasoned explorer and a companion of Bienville, with Canadian hunters and trappers attached to his person and fortunes, he had twice ascended Red River. He agreed to carry goods of Crozat's to the value of 10,000 livres and sell them in Mexico. Ostensibly his business was to buy horses for the Louisiana colony. From Mobile to Biloxi, from Biloxi up the Mississippi and the Red rivers to the land of the Natchitoches, in five canoes he led his party. Here the overland travel began. With thirty Natchitoches as guides he marched westward to the Asenais and traded with them for six months of the year 1714, himself going back to the Natchez to report to Cadillac and bring more goods. The Asenais urging him to bring them Hidalgo and other missionaries, he took guides with him and set out for the Rio Grande. A march of six weeks brought him to the *presidio* attached to the mission of San Juan Bautista, two leagues across the river, a few miles below the site of the present Eagle Pass.

The commandant, Don Pedro de Villescas, received him hospitably, but reported the situation to the viceroy. The interval between report and official action Saint-Denis employed in courting Donna Maria Ramón, the granddaughter of Villescas. She soon loved him devotedly and they were married before his return to Louisiana, but not until he had suffered much at the hands of his rival, the governor of Coahuila.

Saint-Denis had been removed under guard to the city of Mexico, and the viceroy, already informed by the Spaniards at Pensacola of his march through Texas, required him to make a written statement

of his aims. This document drew from the fiscal the recommendation that the French be kept out and that the decayed missions be reëstablished.

New Spanish Settlements.

An expedition led by Donna Maria's uncle, Capt. Domingo Ramón, set out to establish missions among the Tejas. Saint-Denis went with Ramón, and as there were only twenty-two soldiers, it is manifest that no real dread of armed French encroachment was entertained. Besides the friars and lay brothers there were married men with their families, a better augury for permanence than the earlier missions possessed.

Following the route already traced by Saint-Denis, famous in later days as the Old San Antonio Road, the expedition after a march of some two months reached Tejas. The old mission was reëstablished about four leagues farther inland and renamed. Five others were founded in the region dominated later by Nacogdoches.

While this work was going on Ramón visited the French post among the Natchitoches, and Saint-Denis went back to Mobile. Again imprisoned on his return and deported to Guatemala, he escaped to Louisiana and reëntered the French service. Whatever may be said of his motives, he secured Texas to Spain by his faithful fulfilment of the compact of Cadillac with Hidalgo at a time when the mother country was very feeble in Europe.

In 1721 another French expedition sent by Bienville with La Harpe in command, and a shipwrecked officer, Monsieur de Belleisle, whom Saint-Denis found among the Indians and rescued, as his coadjutor, met with complete failure. It was meant to reëstablish Fort St. Louis.

In 1727 Texas was formed into a separate province with the Medina for its western boundary.

Method of Spanish Colonization.

Spanish colonization, though partly agricultural and commercial, was also predominantly ecclesiastical and military. Unfortunately for its permanence in Texas, the *pueblo* was wholly subordinate to the mission and the *presidio.*

The object of the mission was to Christianize the natives. A group of Franciscan friars, coming generally from Querétaro and Zacatecas, instructed in the creed and ritual of the Church and in the arts such Indians as they could induce to submit to their rule. The buildings were arranged around a square, the chief of them being the church. Strong walls protected the mission against the *Indios Bravos.* Huts for the *Indios Reducidos* made up the *pueblo* outside of the mission walls. Sometimes the *pueblo* also was surrounded by a wall. Unmarried Indians, male and female, occupied separate huts, locked at night by the friars. The missions of importance had attached to each of them a *presidio,* containing soldiers with a commandant at their head. The stone houses, the planted fields, the irrigation ditch with its stone dam, the hundreds of mares, hogs, cattle, goats and sheep, the granary with its stores of corn and beans: these give an idea of industry and plenty such as Andalusia knew in the days when the Moors gave Spain her civilization.

But taxes, tithes and priests' fees burdened the "reduced Indians" greatly. The converts were practically peons, and they often ran away, and the soldiers did not like the task of capturing them and bringing them back to be flogged. The missions were really a failure, the numbers under the sway of the friars dwindling continually. Yet in their

stately churches they have left picturesque monuments of the energy and the architectural skill of the Franciscans. Artists were imported for the finer work. The beautifully carved images adorning the San José Mission on the right bank of the San Antonio were the work of Juan Huicar, a sculptor sent from Spain for that purpose.

The civil settlement was not always the pueblo attached to a mission. It was sometimes a settlement of immigrants, became self-governing and attained the dignity of a *ciudad* or city. It was governed by a council called the *cabildo* or *ayuntamiento*. This was composed of *alcaldes, regidores* and other officials. Nominally they were elected, but virtually their appointment came from the Council of the Indies in Spain. There was really no such thing as local self-government. Even when justice was done, it was tardy and niggardly.

In the villa of San Fernando, settled by Canary Islanders, there was an effort made on May 1, 1789—significant date—to establish and foster a school system, an effort which lasted fitfully but hopefully to the time of the revolution of 1835. Neither soldiers nor priests, these old Spaniards valued education.

But the strength of Spanish effort was expended on the ecclesiastical and military features of colonial occupation, hence the failure to plant vital and growing colonies. There were no fewer than twenty-five missions and *presidios* founded, and yet at the time of colonization from the United States there were but three centres of population in all that vast territory. These were San Antonio de Béjar, La Bahía—later called Goliad—and Nacogdoches. Even at these points official reports show that years before the Texan revolution the missions were in a ruinous condition. One of these reports attributes

the decay to the increasing hostility of the savage tribes and the recklessness and violence of the Spanish troops. The historian Brown estimates the population of Texas in 1820 as not exceeding 5,000 souls.

Beginnings of San Antonio.

Of the three surviving Spanish settlements the most important was San Antonio, in this period usually styled Béjar. Even before *presidio* and mission were planted there Saint-Denis, crossing the San Antonio at an Indian village on his way to the Presidio del Rio Grande, was struck with its fitness for an outpost. Later, when Ramón was marching eastward and encamped at the San Pedro Springs, he observed that it was a fine site for a city. The *presidio* and the mission came together in 1718, but the *villa* did not come until 1731. The *villa*, the *presidio* and the mission, occupying sites closely adjacent, hardly made up a city, but rather an aggregation of settlements, civil, military and ecclesiastic.

The constant call of the *padres* for more settlers, after the refounding and extension of the eastern group of missions in 1716, at last induced the governor of Coahuila and Texas, Martin de Alarcón, to move in the matter. Under the escort of fifty soldiers he brought in carpenters, blacksmiths and masons, who were to have annual salaries. He founded the *presidio* of San Antonio de Béjar, and under its shelter established the mission of San Antonio de Valero, transferring *padres* and converts from the mission of San Francisco Solano on the Rio Grande. In 1720 and 1722 were added the missions of San José de Aguayo and San Xavier de Náxera. The abandonment of the *presidio* defending the three eastern missions was followed in 1731 by their transfer to the less exposed region of Béjar. With changed names they took their new places as

SAN ANTONIO IN 1846.

the missions of San Francisco de la Espada—so styled from its sword-shaped tower—La Purísima Concepción de Acuña, and San Juan Capistrano. The famous Alamo is stated to have been the chapel of the mission of San Antonio de Valero.

By royal decree settlers were to be brought by way of Havana to Texas from the Canaries. In 1730 fifteen or sixteen families were brought over by way of Véra Cruz, entailing upon them a wearisome march overland. The government paid the cost of the trip and maintained the settlers for the first year after arrival. They were to be furnished with stock and assigned lots, and they and their descendants were all to be *hidalgos*. This may have had something to do with their desire for education. These colonists built homes of yellow *adobe*, soon to be covered with vines, around the square now called Constitution, naming it in their homesick longing *Plaza de las Islas*. Thus was founded the *villa* of San Fernando.

But they were not the only inhabitants. Before they came there were a few settlers around the *presidio*, besides some families of Tlascalan Indians. Between these and the *hidalgos* there was perpetual wrangling, which, when added to the discord kept up by the authorities of *villa*, *presidio* and *mission*, made progress at least difficult.

Decline of the Missions.

The ecclesiastical element in the bowl of bitterness at last disappeared, and something like harmony became possible. In 1793 the Franciscans of San Antonio de Valero surrendered the charge of their *pueblo* to the parish of San Fernando. The four neighboring missions survived a little longer, but they had never had much share in the corporate life of the city proper.

The planting and growth of the other communities was somewhat similar. The mission of La Bahía (the Bay) was established on the San Antonio under the protection of the garrison stationed at a *presidio* on the bay of San Bernardo. At a later date the garrison itself was removed to La Bahía. Nacogdoches also began as mission and *presidio,* but had Anglo-American settlers before the time of the *empresarios.*

After the death of Louis XIV. the attitude of France to Spain became hostile, and the colonies felt the result. In 1719 the Spanish soldiers and missionaries on the eastern frontier of Texas fled to Béjar. The Marqués de San Miguel de Aguayo, appointed governor of Nueva Estremadura and Nuevas Filipinas, raised and equipped a force of 500 dragoons and two companies of cavalry and set out in May, 1721, to recover the lost territory. The French were willing enough to have the missions reestablished. Saint-Denis met Aguayo on the Neches, and all was well between them. Aguayo restored the *presidio* of Texas and against the protest of Bienville built another near Adaes over against the French fort at Natchitoches, and beside it the mission of Nuestra Señora del Pilar. He also planted a *presidio* on the bay of San Bernard. In 1734 began the long controversy between Sandoval and Franquis. Sandoval, on account of the increasing danger from the Apaches, made Béjar his headquarters. The French fort was moved a trifle westward. This was Franquis' opportunity. He became governor in the place of Sandoval and for years persecuted him with virulence.

This affair checked for a time, but for a time only, the illicit commerce on the border in which even the *padres* engaged, for Franquis had perforce to lay great stress on non-intercourse with the French.

Experience had stamped with failure the system of colonization by missions and *presidios*. But the friars were still persistent, and at last in 1757 a *presidio* was founded among the Apaches on the San Saba, to guard the mission established a league and a half away. The Comanches fell upon the mission and massacred most of the inmates. A force of Spaniards and Apaches, marching into the Comanche country to avenge this outrage, met with complete defeat.

This was the deathblow to missionary activity. In 1772 the remaining eastern missions were suppressed and that at San Saba was removed to Coahuila. Matters went from bad to worse with the missions, until in 1794 came the order for their secularization.

United States a Factor.

When the Peace of Paris in 1763 gave Spain possession of Louisiana, all danger of French encroachment upon Texas seemed unthinkable. But in 1800 came the secret treaty by which Louisiana was to be returned to France. This retrocession was not even formally carried out in full when the expansion of the United States westward and the needs of Napoleon led to Jefferson's purchase of Louisiana in 1803. Again the claims of Spain to Texas were disputed, and the old French claims revived in favor of the purchaser. But the treaty of 1819, by which Spain ceded Florida to the United States, quieted this contention and left Texas definitely a Spanish possession. Two years later, however, under Riego and Quiroga Mexico won her independence, and the mixed population of Texas remained willingly under the rule of the Mexican authorities.

Yet these were troublous years for Texas. The struggle against Spanish rule, beginning with the

rising of Hidalgo in 1810 during the French occupation of Spain, produced in Texas a series of filibustering expeditions. These were just ending when the true colonies from the United States began. Their effect upon both Mexican and American sentiment makes them important.

The Neutral Ground played no small part in these affairs. This was the strip thirty-three miles wide lying between the Arroyo Hondo and the Sabine, a part of that region so long debatable between Spain and Louisiana. It was expressly left in that unsatisfactory condition by a treaty between Wilkinson and Herrera at the time when Aaron Burr was regarded with suspicion by both governments and Spanish troops were on the frontier to meet the dreaded invasion. It became a nest of buccaneers, until in 1819 it was formally made a part of Louisiana. Meantime it furnished both a place for organizing private invasions and desperadoes as recruits for such enterprises.

The Filibusters.

Even before this deliberate sanction by authority of a portion of the lawless region, the first American filibuster invaded Texas. This was Philip Nolan, an American of Irish extraction, protegé and tool of the wily Wilkinson, and ostensibly a horse trader. In 1797 he went to Texas with a passport from Carondelet to buy horses for a Louisiana regiment. Getting permission from Nava, commandant at Chihuahua, he purchased over 1,200 and took them to Louisiana. Subsequently a new governor of Louisiana, Lemos, warned Nava strongly against Nolan. Later still, repeated warnings came from a Spanish official in Louisiana that Nolan, under pretext of hunting wild horses, was, in fact, organizing an invasion. But nothing definite was done by either

Spanish or United States authorities, and Nolan, setting out with twenty-one men from Natchez in October, 1800, pushed on to the Brazos, camped, and gathered 300 wild horses. Here he was attacked March 21, 1801, by a force of 100 men sent against him from Nacogdoches. Nolan was killed after a fight of three hours and the survivors of his band were captured. One of these prisoners, Ellis Bean, subsequently took a place of some note in the affairs of Texas.

The Gutierrez-Magee invasion came next. Bernardo Gutierrez was a Mexican refugee; August Magee was an ex-lieutenant of the United States army. Gathering a band of 158 adventurers in the Neutral Ground, Gutierrez, in July, 1812, moved into Texas and drove the Spanish troops out of Nacogdoches. The Spaniards fled to Spanish Bluff, a fort at the crossing of the Trinity. Gutierrez pursued and the Spaniards again fell back. Magee had been recruiting and sending on reënforcements to such purpose that at Spanish Bluff the command numbered 800. They now organized with Gutierrez as leader, Magee second in command, Kemper major, and other Americans captains. It was fall when they reached La Bahía. Salcedo had here a garrison of 1,500. He sallied forth to meet the enemy on the Guadalupe, but they crossed the river elsewhere, seized the deserted town and strengthened the fortifications. After a fruitless siege of four months Salcedo retired, and the filibusters marched on towards Béjar. Magee had died in La Bahía, his rank devolving on Kemper. Recruits had arrived from Nacogdoches and from certain Indian tribes. Next year the battle of Rosillo, not far from Béjar, was fought, and the Spaniards were beaten. Béjar now fell into the hands of the invaders. Success was stained, however, by a deed of treacherous cruelty

—the butchery of Salcedo and his staff by the guard sent with them to Matagorda Bay. The complicity of Gutierrez in this atrocity induced the Anglo-American officers to depose him. Many Americans went home in disgust. The filibusters and their republican allies, commanded by the Spaniard Toledo, the Mexican Manchaca, and the American Perry, were now disastrously defeated on Aug. 17, 1813, in the battle of the Medina by Arredondo, the general in command of the royalists. The fighting was done by the Anglo-Americans and the Cooshattee Indians, Toledo having ordered a retreat on perceiving that they had fallen into an ambuscade, and the Mexican republicans having speedily run away. This defeat was ruinous for the republican cause in Texas. Many families fled from Béjar and Nacogdoches and took refuge in Louisiana. The town of Trinidad at Spanish Bluff was wholly destroyed.

The last of the filibusters was Dr. James Long, then a merchant at Natchez, like Magee an ex-officer in the United States army, and like Nolan connected with Wilkinson whose niece he had married. The force which had chosen him as leader left Natchez in June, 1819, seventy-five strong, but numbered 300 by the time it had reached Nacogdoches. Declaring Texas an independent republic, they organized a provisional government in which Gutierrez had a place. They proposed to dispose of the public lands for the double purpose of attracting immigrants and raising revenue. Five of the leaders were then sent to different points to influence opinion and raise recruits. Long sent Gaines to Galveston Island to confer with Lafitte. This island had previously been made the base of operations by sea against the Spaniards by Mina, Perry and Aury. After their gallant but unavailing ef-

forts—Perry and Mina shot and Aury departed for a campaign with McGregor to seize Florida—Lafitte, who knew the island well, occupied it, on leaving Barataria, as a base for his privateering or piratical enterprises. He also professed to be in some sort the civil head of the republicans in those parts, though chiefly busy in planning at the Red House in his town of Campeachy the capture of Spanish ships, or else at Rollover putting smuggled bales and barrels on the shallow waters of Galveston Bay out of reach of the revenue cutters.

Gaines, however, and later Long himself, failed to induce Lafitte to join them. During the absence of Long and the other leaders the Spanish troops had captured or scattered their followers. Escaping to Louisiana, Long came back later and threw himself with the remnant of his force into a mud fort erected by them on Bolivar Point. With Col. Ben Milam, Don Felix Trespalacios, and other republican chiefs who had joined him from New Orleans, he sailed over to Campeachy and dined with Lafitte a few hours before the pirate sailed away from the island forever. Having planned a new invasion, Long and his fellows now sailed to La Bahía and captured it on Oct. 4, 1821. Milam and Trespalacios went on to Mexico to raise funds. Besieged in La Bahía by a strong royalist force, Long allowed himself to be betrayed into a surrender. The prisoners reached the city of Mexico just as the government of Iturbide was organized and were welcomed as friends. Here they met Trespalacios and Milam. Soon after Long was shot dead by a Mexican sentinel.

The Slave Trade in Texas.

It was at this time that the slave trade, never long discontinued on the coasts and among the islands of the Gulf, was carried on most vigorously in Texas.

The captures made by Lafitte and his men often included slaveships, and the slaves landed on Galveston Island were taken over into Louisiana and transferred to merchants in New Orleans who acted as his factors. Louis de Aury, as governor, commodore and admiralty judge, had preceded him in this business. The three Bowie brothers were Lafitte's most successful salesmen. The price of negroes at Lafitte's headquarters being only a dollar a pound and the slave sold in the Mississippi Valley fetching an average price of $1,000, the trade was, of course, a highly lucrative one. When, in 1821, Lafitte was forced by the United States to evacuate Galveston Island, the business came for a time to a standstill. However, on the establishment of the Mexican republic, since the authorities, though they favored peonage, condemned slavery, the immigrants hit upon the ingenious device of converting their blacks into servants indentured for life.

The rich river bottoms, it was well known, could only be cultivated by negro labor, and even Austin, personally opposed to slavery, recognized its necessity in those malarial regions. Yet the colonists as a whole, divided as they were on the rightfulness of slavery, condemned the slave trade and publicly protested against its continuance. Still the practice of importing slaves was kept up even during the time of the republic.

Society Disorganized Under Spanish Rule.

This evil and others, betraying the breaking of all the ligaments that bind society together, made Texas, during the period of the decay of Spanish rule, resemble some border province of the Roman Empire in its last agony. Apaches and Comanches scourged the western frontier, riding into Béjar, dismounting in the plaza and forcing the soldiers of the garrison

to guard their horses while they levied contributions from the authorities or the citizens. The desperadoes of the Neutral Ground and the invasions hatched in that region or at Natchez kept the whole of eastern Texas in disorder, even shaking at times the strength of the government at La Bahía and Béjar. Along the coast adventurers of every kind fixed themselves from time to time and held control of the waters. Lafitte held Galveston Island for some four years. In 1821 occurred the failure of generals Lallemand and Rigault to establish a French colony on the Trinity. Spanish troops drove them away from their *Champ d'Asile.*

Spanish authority, however, was in its death throes; the rising republic of Mexico was a staggering infant; the time was ripe for the energy that had sent the son of Kelt and Norseman across the Alleghanies and the Mississippi to push him on into the fair lands of the far West.

Anglo-American Colonization.

The Anglo-American colonization of Texas led directly to her separation from Mexico, this to annexation to the United States, this to the war between the United States and Mexico, and this to our acquisition of the vast territory between the Rio Grande and the Pacific once claimed and partly settled by Spain.

The futile attempts to settle Texas made by the Spanish authorities in Mexico, the ruin wrought by the filibustering expeditions, the preoccupation of Spanish energies in the war against Napoleon and then against the revolting colonies in America, left Texas, in 1820, almost denuded of population. It was at this time that Moses Austin petitioned to be allowed to settle 300 families from the United States upon vacant lands in Texas. He had the ad-

vantage of having already been a Spanish subject in the wide territory of Louisiana. Nevertheless Governor Martinez ordered him to leave the province at once. But through the intervention of the Baron de Bastrop, whom he had befriended and who had great influence with the Spanish authorities, he was enabled to secure the desired concession.

The success of the Mexican revolution in 1821 forced his son, Stephen F. Austin—the original grantee having died—to go to the City of Mexico and seek a confirmation of the grant. A general colonization law passed in 1823 seemed to give him all he wished. But the overthrow of the emperor Iturbide put him back where he was before. His grant was, however, soon confirmed, and in 1824 a new colonization law opened the way to other *empresarios*. The imperial government of Iturbide having given place to a federal republic, the details were left for the different states to settle as they chose. In 1825 the congress of the state of Coahuila and Texas passed such a law. All lands in Texas were opened to foreign settlers, except those within twenty leagues of the United States and those within ten leagues of the coast.

Each immigrant was to prove his good character and to swear to uphold the federal and state constitutions and to observe the Roman Catholic religion. He was guaranteed security of person and property, and was to be exempt from taxation for ten years except in case of foreign invasion. Lands might be had by purchase, by special grant or through an *empresario*. The *empresario,* that is, contractor, received a large grant on condition that he would settle, at his own expense within six years, a specified number of families, apportioning to each the amount of land to which, under the law, it was entitled. The *empresario,* for every hundred fam-

ilies he settled, was to receive a premium of five *sitios* of grazing land and five *labors* of arable, half of them non-irrigable. The *sitio* is a square league, that is 25,000,000 square *varas*. The *labor* is the twenty-fifth of a *sitio*. The *vara* is $33^{1}/_{3}$ inches by our measure.

Each agricultural colonist was to have a *labor* and each pastoral colonist was to have a *sitio*, while one engaging in both agriculture and stock-raising was to have both a *sitio* and a *labor*. Additional acres accrued to a family in virtue of wife, child and slave.

Austin settled his colony along the lower courses of the Brazos and the Colorado. The colonists suffered much at first, and Austin was often forced to be absent on the business of the colony in the distant City of Mexico. With the official rank of lieutenant-colonel and with judicial power over his colony, he became also the general referee and umpire in all troubles that sprang up among the other settlers. His own colonists were scattered from the Lavaca to the San Jacinto and from the Old San Antonio Road to the coast. San Felipe de Austin on the lower Brazos became their capital. In spite of their being subjects of a government formed on the Spanish model, they kept in great measure their own institutions, including slavery, and were practically self-governing.

Other grants followed Austin's in rapid succession; Austin himself obtained three additional concessions. *Empresarios* became as numerous as real estate agents in a growing town. Few of them ever succeeded in carrying out their contracts. The successful colonies after Austin's were those of De Witt, León, Edwards, Robertson, and the Irish colony settled by McMullen and McGloin along the Nueces and the Frio. The De Witt settlement was in and around Gonzales. León's Mexican colony,

which at one time encroached much on that of De Witt, had Victoria for its capital. Edwards settled the region around Nacogdoches. When his grant was annulled, Zavala and Vehlein received concessions that covered the same territory. Robertson's settlement lay to the northwest of Austin's.

The pioneer life of the early colonists and the rough experiences of the hunters and the Indian fighters, bivouacking on the open prairie or in the crosswoods—seldom in the river-swamps—must not be allowed to shut from our view the fact that in the older settlements there survived much of the culture and refinement appertaining to Spanish society centuries old in the usages of polite intercourse. Many of the incoming Americans, too, of both sexes were persons of good family and the best education. The hardships undergone by settlers remote from each other were such as can well be imagined. Wild fruit and nuts, as well as game—fish, flesh and fowl—were indeed abundant; but these were at first their only dependence, and the pursuit of game often brought settlers into collision with hostile Indians. Yet even these scattered settlers had their seasons of merrymaking, many coming from immense distances to barbecue or ball. All visiting was done on horseback. Mrs. Holly says that ladies rode sixty miles to a ball with their silk dresses in their saddlebags. Hospitality was the unwritten law of the land.

Nor was social life confined to such gatherings from afar. Besides the towns already mentioned, there were others rapidly springing up. Brazoria, Columbia, Anahuac, San Patricio, Bastrop, Bolivar, Matagorda, Washington, San Augustine, Harrisburg, Velasco; these and others were fast becoming centres of population and commerce, some of them old Mexican settlements

rejuvenated by the advent of American enterprise.

Steps to Independence.

In April, 1825, Hayden Edwards obtained a concession from the state of Coahuila and Texas for colonizing the parts about Nacogdoches, a land already sore with the mutual grievances of Mexican and Anglo-American, and containing malcontent Cherokees recently removed from the United States. Edwards soon made enemies. Mutual recriminations went to the political chief, and he annulled the grant. On Dec. 16, 1826, Benjamin Edwards, Hayden's brother, rode into Nacogdoches and proclaimed an independent republic, calling it Fredonia. The first newspaper printed in Texas was started to herald the new state. The Fredonians made a treaty with the Indians, agreeing to share Texas with them, and invited the other colonists to join them. But Bean induced Bowles, the Cherokee chief, to abandon them, and Austin used all his influence against the insurrection and sent troops to aid the Mexican authorities in putting it down. There was very little actual fighting; the Fredonian republic was dissolved before the army sent to crush it reached Nacogdoches. Austin now recommended mercy, and his advice was followed. The second republic of Texas choked with its first cry. But what is significant is that that cry claimed for Texas all between the Rio Grande and the Sabine.

Even before the *empresarios* could fulfil the conditions required of them, a feeling of jealousy and distrust grew in the minds of the Mexicans to such a pitch that orders were issued and laws passed to prevent further immigration. In 1829 Guerrero issued a decree abolishing slavery. This was aimed at the American colonies in Texas, for elsewhere in Mexican lands peonage took the place of slavery.

Austin procured the exemption of Texas from the operation of the decree. A stringent decree, however, against further colonization in the border states was issued by Bustamente in 1830. This presaged fatal hostility on the part of the Mexican government to its American citizens. After this troops were gradually introduced from Mexico to overawe the American colonies.

In the years approaching the successful revolution the government at Washington tried hard to get the federal republic of Mexico to cede Texas to the United States, its minister being authorized to "go as high as five millions," if the Rio Grande were allowed to be the boundary line. These efforts alarmed and exasperated the Mexicans.

In these same years the coming into East Texas of Indians removed by the United States government from the South alarmed the Anglo-American Texans and caused them to appeal to the Mexican government for protection.

During this later period, too, Mexico was convulsed by repeated revolutions which naturally brought confusion and anarchy into Texas.

Thus many causes were combining to form an ever-widening breach between the government at the City of Mexico and the distant province now chiefly American in population. The time was ripe for revolution.

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CHAPTER II.

TEXAS AS A REPUBLIC.

Texas Revolts from Mexico.

By the Florida treaty of 1819 the United States ceded to Spain whatever title it may have acquired to Texas through the Louisiana Purchase. The next year Moses Austin applied for permission to settle an American colony in the province. The Spanish government granted the permit, but the death of Moses Austin left the fulfilment of the contract to his son Stephen. In December, 1821, Stephen F. Austin reached Texas with the nucleus of the colony. Mexico had then declared independence and established a *de facto* government, and Austin learned that it would be necessary to get from it a confirmation of his father's grant. This he eventually obtained, and by 1825 he had gone far toward

settling the 300 families for which his contract called. Meanwhile, the Mexican government had adopted a general colonization law offering extremely liberal terms to colonists, and a flood of immigration was pouring into Texas. Contemporary statistics vary greatly, but a conservative estimate of the Anglo-American population in Texas by the middle of 1835 would place the number between 25,000 and 30,000 souls. Most of the colonists were from the Southern states, and many of them had slaves. They settled along the lower courses of the Guadalupe, Colorado, Brazos and Trinity rivers, and occupied themselves in farming, raising cattle, hunting and fighting Indians. Their surplus products they exchanged in New Orleans for agricultural implements, machinery, flour, sugar and clothing. In 1834 their exports were estimated at $500,000 and their imports at $900,000.

The Texas revolution cast long shadows before. Mexico distrusted her adoptive citizens, and the Texans had the usual pioneer contempt for an alien race. In December, 1826, a handful of Americans at Nacogdoches started an insurrection and declared Texas independent. This was called the Fredonian Rebellion. It was quickly suppressed, largely through the help of the colonists, but Mexico may well have found in it food for uneasy reflections on the character of the ungrateful Americans. In 1829 President Guerrero, while temporarily invested with dictatorial power, issued a decree liberating all the slaves in the republic. By strenuous efforts the Texans secured the exemption of Texas from the law, but they were alarmed, and considered the decree a wanton interference with their interests. The next year their indignation was increased by the law of April 6, which, in effect, forbade the further immigration of Americans into Texas. The law was

never enforced, but it remained a constant menace and a source of irritation to the colonists. In 1832 hard fighting occurred between the Texans and the Mexican garrisons at Anahuac, Velasco and Nacogdoches, and by the middle of the year most of the soldiers were expelled from the country. At the same time Santa Anna was leading a successful attack on the tyrannical government of President Bustamante in Mexico, and the Texans declared that they were helping him to maintain the republic. Santa Anna could not reasonably resent their unsought assistance, but he probably put little faith in their protestations of patriotism. In 1833 the colonists held a convention at San Felipe to ask, among other things, for the separation of Texas from Coahuila, to which it had been united for administrative purposes in 1824. They said that the joint legislature, containing an overwhelming majority of Coahuilans, frequently sacrificed the interest of Texas. They adopted a provisional state constitution, and sent Austin to Mexico with a memorial praying for its approval by the general government. This was neither granted nor definitely denied, and Austin, his patience exhausted by the delay, finally advised the Texans to organize a state government without waiting longer for authority to do so. His letter came to the hand of Vice-President Farías, who was then exercising the executive functions, and he imprisoned Austin on a charge of treason. The Mexicans regarded the convention of 1833 as merely the usual preliminary to a revolution, while the Texans thought the imprisonment of Austin an arbitrary infringement of the sacred right of petition. Thus by the end of 1834 there existed an atmosphere of distrust and suspicion which rendered mutual understanding or forbearance impossible, and made the revolution almost inevitable.

At this juncture Santa Anna began to carry out his plan of substituting a centralized government for the federal republic created by the Constitution of 1824. He was probably correct in the assumption that the mass of Mexicans were not capable of self-government, but that fact did not make the change any more palatable to the Texans who had such a capacity. In May, 1834, he dissolved congress, and state governors and legislatures that opposed his scheme he deposed. In the fall he caused a reactionary congress to be elected, and in May, 1835, this congress declared that it had authority to reform the constitution. On October 3 it issued a decree abolishing the federal system and establishing a centralized government, with practically complete power in the hands of the president.

In the fall of 1834, in pursuance of his general plan, Santa Anna decided to send 4,000 soldiers to Texas to revive the garrisons and custom houses, the former of which had been almost and the latter entirely abandoned since 1832. The troops began to arrive early in 1835. Ostensibly they were to replace the militia, which was now abolished, in protecting the settlements from the Indians, but the colonists suspected that this was merely a benevolent pretext for establishing a military tyranny. In May trouble began to develop over the collection of customs, and in the same month Santa Anna abolished the legislature of Coahuila and Texas. The next month he imprisoned the governor. Agitators spread alarming rumors among the Texans that Santa Anna intended to drive the last Anglo-American beyond the Sabine, and reports reached Santa Anna that the Texans were obstinately resolved to resist the introduction of more troops into the country—which, of course, made him more determined to send them. Throughout the summer the colonists

I leave this rule, for others when I am dead
Be always sure, you are right, then go, a head

David Crockett

were busy organizing committees of safety and correspondence, and holding public meetings to discuss the situation. The formal expressions of these meetings were uniformly conservative and favorable to submission until it should become certain that the new system would work a real hardship on the colonists, but the fact that they were held at all was proof to the Mexican mind that the colonists were plotting rebellion. In August, to reach some common agreement, the Texans decided to hold a general consultation on October 15, at which each community should be represented by seven delegates. Before this met war began.

In this gradual way the revolution developed. It does not seem to have been caused in any sense by slavery. Critical historians have abandoned the theory that a deliberate conspiracy of Southern slaveowners produced it; and there is not sufficient evidence to establish the responsibility of Texan slaveholders. The Mexican laws had, by 1832, closed every loophole to the perpetuation of slavery, but in all the discussion by the Texans of their grievances against Mexico this is referred to only twice.

The outbreak of hostilities delayed the meeting of the consultation until November. It then issued a declaration of the causes for which Texas had taken up arms, created a provisional government and adjourned to join the army. Texas was declared to be fighting to preserve the federal constitution of 1824, which Santa Anna had overthrown, and all loyal Mexican patriots were invited to coöperate with it. The provisional government consisted of a governor, a deputy-governor and a legislative council composed of one representative from each delegation in the consultation. All were elected by the consultation.

The first clash of arms occurred at Gonzales (Oc-

tober 2), where a company of dragoons attempted to take a cannon which the government had lent to the settlement some years before for protection against Indians. After repelling the soldiers the colonists determined to march against the garrison at San Antonio de Béjar. Stephen F. Austin, who had just returned from his Mexican prison, was called to the command, and by the end of the month he was before San Antonio. The garrison was commanded by General Cos, a brother-in-law of Santa Anna. It was too strong to take by storm without artillery, and Austin sat down to a trying siege. He was recalled from the army at the end of November to go on a mission to the United States, and the command fell to Colonel Burleson. On December 5 the latter reluctantly allowed B. R. Milam to lead an assault on the fort, which, on the 9th, was successful. General Cos evacuated the town, and was permitted to withdraw from Texas on parole. In the meantime a garrison had been driven from Goliad, and by the end of 1835 there was not a Mexican soldier in the country.

This condition, however, did not long continue. By the end of February, 1836, Santa Anna was at San Antonio with upwards of 2,000 men, and on March 6 he took the fort of the Alamo by storm and put to death the last member of the defending garrison. Here fell W. B. Travis, the heroic commander of the Alamo, and with him perished James Bowie and Davy Crockett. Another division of the Mexican army commanded by General Urrea advanced on Goliad, where Colonel Fannin was intrenched with some 400 volunteers from the United States. At his approach Fannin, by General Houston's orders, abandoned Goliad and marched eastward. He was overtaken by Urrea in the bare prairie and after a desperate all-night battle, in which the odds against him were

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four to one, he surrendered—at discretion, says Urrea, but on condition that the men should be transported to the United States, say numerous Texan witnesses. The men were taken back to Goliad, imprisoned for a few days and then led out in squads and shot by command of Santa Anna. This was at the end of March. Santa Anna then ordered a general advance eastward to make good his threat of driving the Texans beyond the Sabine.

By this time Texas had elected delegates to a convention with full powers to organize a permanent government. The effort to sustain the constitution of 1824 was futile, because the majority of Mexicans were utterly indifferent to the form of government under which they lived. The alternatives left to the Texans were submission or independence, and they chose the latter. The convention met March 1, on the 2d it issued a declaration of independence, and on the 17th adopted a constitution. Pending the election of regular officers, it appointed *ad interim* David G. Burnet president and Lorenzo de Zavala vice-president. Gen. Sam Houston had already been elected commander-in-chief of the Texan army by the provisional government, and the convention confirmed the election.

Near the middle of March Houston went to Gonzales, on the Guadalupe River, to take command of the vanguard of the Texan forces. Reports of the Alamo massacre determined him to fall back to the Colorado. Later the news of Fannin's disaster at Goliad drove him to the Brazos. Santa Anna followed him, burning Gonzales and San Felipe in passing. The colonists took a notion that Houston was afraid to meet the Mexicans, and many of his men left the army to place their families in safety. A panic-stricken mass of fugitives, mostly helpless women and children, began a wild flight to the Sabine.

Santa Anna, too, apparently believed that Houston would not fight him, and with only 800 men recklessly pushed far to the eastward in the hope of capturing the government, leaving Houston encamped at an inaccessible spot on the Brazos in his rear. He burned Harrisburg, and marched on to the head of Galveston Bay. On his return Houston barred his way near the junction of Buffalo Bayou and the San Jacinto River. Here Santa Anna received a reinforcement of 500 men under General Cos, who had broken his parole, but on April 21 Houston with 783 men utterly routed his 1,100. This was the battle of San Jacinto. Santa Anna was captured the next day, and a few days later signed a treaty in which he agreed to withdraw the Mexican army west of the Rio Grande, and to use his influence with the government to obtain recognition of Texan independence. To do this it would be necessary, of course, for him to return at once to Mexico, and the Texan government pledged itself to send him back. It was on the point of doing so—Santa Anna had already embarked on a schooner bound for Vera Cruz—when a band of volunteers from New Orleans arrived at Galveston and demanded the retention of the arch-murderer in Texas to receive punishment for his crimes. Whether, if he had been permitted to return, he would have worked for the recognition of Texas cannot be known, but he had a clearer perception than any other important Mexican of the difficulty of conquering the province, and it is possible that he would. As matters turned out, Mexico refused to ratify the treaty and disavowed any promises that Santa Anna should make while a prisoner, but the army did withdraw from Texas.

Mexico never recognized the independence of Texas, and constantly threatened invasion to subjugate the rebellious province, but with the exception

of two marauding expeditions in 1842 no hostile force reached the country. The government was paralyzed at home by periodic outbursts of the Federalist party.

On Oct. 22, 1836, General Houston was inaugurated first president of the Republic of Texas. From December, 1838, to December, 1841, the office was held by Mirabeau B. Lamar. He was succeeded by Houston for a second term, December, 1841, to December, 1844. The last president was Anson Jones, whose term was cut short in February, 1846, by the installation of the state government. The first congress of the Republic passed an important act Dec. 19, 1836, asserting that the southern and western boundary of the country was the Rio Grande from its mouth to its source. In 1837 the independence of the Republic was recognized by the United States, and in 1840 by Great Britain, France and the Netherlands.

The United States in the Texas Revolution.

It is necessary to turn now to the "Texas Question" in the United States and see how it involved that country in the chain of events that led to the Mexican War, and forced wide the chasm already opening between the slave and the free states.

There had been a Texas Question since 1803—did the Louisiana Purchase extend to the Rio Grande? In 1819 President Monroe and his cabinet, greatly to the chagrin of the secretary of state, John Quincy Adams, decided to give up the Texas claim and accept the Sabine as the western boundary of the United States. When Adams became President in 1825, and again in 1827, he tried to get a readjustment of the boundary which would leave all, or a part, of Texas to the United States, offering Mexico $1,000,000 for a line following the

Rio Grande and Pecos rivers. Joel R. Poinsett was minister to Mexico at the time, and he never found a favorable opportunity to put the proposal before the government. In 1829 President Jackson appointed Anthony Butler to succeed Poinsett, and renewed the effort to get a more satisfactory boundary. He offered $5,000,000 for a line through the "Desert or Grand Prairie" west of the Nueces. Butler, in his own tortuous manner, kept the matter before the Mexican government—or some officials of the government—for the next six years, but without success or any reasonable ground of hope. He repeatedly begged permission to use a part of the purchase money to bribe influential Mexicans, but President Jackson always replied that he wanted Texas, if gotten at all, to be gotten "without the imputation of corruption." These attempts to purchase Texas caused Mexico, when the revolution began, to suspect a connection that did not exist between that movement and the government of the United States.

During the revolution the Texans expected help from the United States, and they received it. One of the first acts of the provisional government was to send three commissioners, of whom Austin was one, to the United States to solicit assistance. In January, 1836, the commissioners negotiated two loans in New Orleans for $250,000, and established an agency for forwarding volunteers and supplies to Texas. They then journeyed slowly up the Mississippi and Ohio valleys to Cincinnati and Pittsburgh, and thence to Philadelphia, New York, Boston and Washington. Everywhere they aroused, by their speeches and writings, enthusiastic sympathy for the Texans. Public meetings were held, money and supplies generously contributed, and volunteers pledged to "emigrate" to Texas and fight the Mexi-

cans. Many individuals went from Pennsylvania, a company from New York, several companies from Ohio, Kentucky, Tennessee, Mississippi, Louisiana and Alabama, while nearly all of Fannin's ill-fated band were from Georgia. In Kentucky and Tennessee the ladies fitted out companies by their donations. The interest of the volunteers was not entirely unselfish; some went for adventure and some for the liberal land bounty that Texas offered soldiers. The majority of them did not arrive until after the battle of San Jacinto, when the war practically ended, but it is a fact that for the success of the revolution Texas was greatly indebted to assistance from the United States.

The Mexican minister, Gorostiza, was not blind to what was going on, and time and again called the attention of the state department to what he considered breaches of neutrality. The department, after each complaint, would send off a batch of circular letters to United States district attorneys, commanding them to prosecute any infraction of the law, but the reply invariably came back that the attorneys could not make a case; the law did not prohibit individuals from emigrating to a foreign country with their property (arms), and after arrival their government claimed no jurisdiction to prevent them from enlisting with the party of their sympathy. Doubtless, President Jackson was not averse to seeing the revolution succeed, but there is no good reason to accuse the government of dishonesty in avowing its impotence to check the migration to Texas. Public opinion was overwhelmingly favorable, and it is extremely doubtful whether a jury would have returned a conviction for the most palpable breach of the law upon vigorous prosecution. A district judge in New York instructed the Federal grand jury that it was not a violation of

the law to hold meetings and appoint committees "to provide means and make collections for the purpose of enabling the inhabitants of Texas to engage in a civil war" with Mexico; and a New Orleans paper declared that Government could not prevent "any citizen from taking passage in *any* merchant vessel, to go *anywhere* and with *any* intent, and with arms and munitions of war." Three years later similar conditions existed on the northern frontier, and though President Van Buren cannot be suspected of undue sympathy for the Canadian rebels, he found this same law inadequate to prevent breaches of neutrality, and at his request Congress temporarily strengthened the hands of the executive to enable him to maintain order.

President Jackson feared that the Indians would take advantage of the trouble in Texas to ravage the frontier. By the terms of a treaty of 1831 between the United States and Mexico, each country agreed to keep its own Indians from molesting the other; and Jackson held that if, for any reason, Mexico became unable to fulfil its part of the contract, it would then be the duty of the United States to protect itself, even to the extent of entering Mexican territory. Early in 1836, therefore, he ordered Gen. E. P. Gaines to the Louisiana frontier, and gave him authority to cross the Sabine and march as far as Nacogdoches if he thought it necessary. Whether or not Gaines honestly thought it necessary, he did go to Nacogdoches—though not until the battle of San Jacinto had practically ended the revolution—and his attitude unquestionably did much to encourage the Texans. Gorostiza protested against the discretionary powers given to Gaines, and when he became certain that the latter had crossed the boundary, he asked for his passports and returned to Mexico. This did not suspend diplomatic rela-

tions with that country, however; he had been an extraordinary envoy, and the regular minister remained. Gaines was recalled by the President, who declared that he had acted without sufficient justification. The incident strongly reminds one of the situation on the Florida frontier in 1818, when Monroe was President and General Jackson was cast in the rôle of Gaines.

The barbarous massacres at the Alamo and Goliad aroused great horror and indignation in the United States, and as early as April, 1836, Congress took up the question of acknowledging Texan independence. Both the House and the Senate debated it through May and June, and in July each passed a resolution "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." Austin wrote to Houston (June 16) that nothing but the lack of official reports of the battle of San Jacinto deterred Congress from according recognition at once. During the summer President Jackson sent Henry M. Morfit as a special agent to observe and report on conditions in Texas. Morfit saw much to encourage the belief that Texas would be able to maintain a stable, independent government, but Mexico was making prodigious threats of invasion in the fall, and he advised that recognition be withheld until the result of this invasion was seen. Jackson accordingly counseled delay in his message of December 21, but Congress took up the matter, nevertheless, and Feb. 28, 1837, the House made an appropriation to pay the salary of a diplomatic representative to Texas whenever the President should think proper to send one, while the next day the

Senate formally resolved, by a vote of twenty-three to nineteen, that the independence of Texas ought to be acknowledged. Jackson immediately appointed Alcée Labranche of Louisiana chargé d'affaires to Texas. The Mexican minister protested, but was informed that it was the practice of the United States in such cases to regard only the facts; that Texas had a *de facto* government and appeared capable of maintaining it; that its recognition by the United States must not be regarded as implying a lack of friendship for Mexico or a denial of its right to resubjugate the province if possible. It is significant to notice that the Senate vote in favor of recognition was a close one, and that a motion the next day to reconsider was lost by a tie, while in the House John Quincy Adams was already presenting memorials against the recognition of Texas because its constitution protected slavery.

Steps Toward Annexation with United States.

In September, 1836, the Texans held their first election, and at the same time voted on the question of annexation to the United States. The vote in favor of annexation stood 3,277 to 91. President Houston, therefore, as soon as recognition made way for it, lost no time in bringing the matter forward. On Aug. 4, 1837, Memucan Hunt proposed to President Van Buren an "amalgamation of the flags" of the United States and Texas. He pointed out that such an arrangement would by no means be without value to the United States, which would gain the great natural resources of Texas, a market for manufactures, control of the Gulf, freedom from competing with Texas cotton in Europe, and many other advantages which he forebore to mention. He dropped a hint that it would be well for the United States to decide quickly, for Texas was then nego-

tiating commercial treaties with European powers, which, when completed, might hinder annexation. Van Buren successfully withstood the alluring temptation, and replied that at present he did not care even to consider whether the constitution would permit the incorporation of a foreign independent country into the United States. To this, Hunt answered in effect that the United States had been given its chance and must never blame Texas for the evil consequences of its rejection: "The refusal of this Government to accept the overture must forever shield her (Texas) from the imputation of wilfully injuring the great interests of the United States, should such a result occur from any commercial or other relations which she may find it necessary or expedient to enter into with foreign nations." Hunt suggested to his government that it might be possible to obtain annexation by joint resolution at the next session of Congress, but the attempt was not made. In the session of 1837-38 Congress was flooded with memorials for and against annexation. Opposition to the extension of slavery territory was the motive of the anti-annexationists, of whom Adams was the chief. In October, 1838, Texas formally withdrew Hunt's proposal of the previous year, and the first stage of the annexation movement was at an end. In December President Lamar succeeded Houston for three years, and as he was a bitter opponent of annexation the project temporarily languished. But, as Professor Garrison says, the Texans were as willing as ever to be annexed, and the question had to be decided not by them, but by the people of the United States.

Lamar's administration must be credited with securing the recognition of Texas by Great Britain, France and the Netherlands; with a wise educational policy; with the only attempt ever made to

realize the Texan statutory boundary of the Rio Grande to its source; and with an astonishingly unintelligent financial policy which plunged the country into hopeless debt.

The reëlection of Houston in December, 1841, was justly regarded as the first move in the renewal of the annexation agitation. Meanwhile the desire for expansion was wakening in the United States. In December, 1841, Adams confided to his diary his alarm at the outlook and his determination to fight to the last breath the addition of more slavery territory to the Union. Throughout 1842 and 1843 legislatures and popular meetings were forwarding petitions to Congress for and against annexation. Most of the opposition, however, came from outspoken abolitionists, and commanded slight respect. The press began to discuss the question on its own merits, unconnected with slavery; merchants began to realize the commercial importance of the country; and there arose a general and widespread fear that England would get a foothold in Texas, unless the United States forestalled it. It was rumored that England, already the principal creditor of Mexico, had advanced a large sum for an invasion of Texas, and the marauding raids of March and September, 1842, lent point to this belief. An editorial in the Philadelphia *Public Ledger* of July 24, 1843, asked why England, the foremost champion of abolition, should interest itself in the slave state of Texas, and answered that its object was to strengthen itself against the United States; from Canada on the North, the Bahamas on the East, its ports in the South and its Pacific Islands and Oregon in the West, it could already assail us, and now it wanted Texas as a nearer approach. Besides, England needed Texas for its cotton-producing facilities, which would make it industrially independent of the

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United States. It could pacify English abolitionists by freeing the slaves in Texas on the apprentice system, and satisfy the owners by a money compensation. In April, 1844, the *Ledger* expressed its impatience with the absurd "Anglo-maniacs" who thought that England did not want any more territory on the continent, and asked when England had abstained from taking any land that it could get and holding what it got. This fear of British designs on Texas was unquestionably sincere. The present state of our knowledge does not enable one to say whether there was really any danger, but there was abundant ground for suspicion.

In October, 1843, Secretary of State Upshur told Van Zandt, the Texan chargé at Washington, that President Tyler wanted to open negotiations with him for the annexation of Texas by treaty, and said that recent events in Europe made the subject an important one. This referred to a discussion of Texas in the House of Lords in the previous August. Van Zandt replied that he would consult his government and give Upshur an answer at the earliest date. In December President Houston wrote Van Zandt to decline the offer for the present; that he feared the Senate would refuse to ratify the treaty; that Texas had, with the help of England, arranged an armistice with Mexico and was negotiating for a recognition of independence with good prospect of success; that the reopening of the annexation question would cause Mexico to end the armistice and invade Texas; and that England might keep its hands off, and leave Texas to face the Mexicans alone. Upshur apparently assured Van Zandt that he had enough pledged votes in the Senate to make the treaty safe, and Van Zandt then asked whether the President would, pending ratification, send a military force to the frontier and a fleet to the Gulf

to protect the country from foreign attack. In February, 1844, Upshur was killed by the explosion of a gun on board the *Princeton,* while making a trial trip down the Potomac, and it was said that he never replied to Van Zandt's question. In Texas, however, the same question had been put to the United States chargé, W. S. Murphy, and he assured the government without hesitation that Texas would be guaranteed from invasion while the treaty was pending, and that the United States would be slow to withdraw its forces after a failure of the treaty, if it did fail, in order to allow Texas time to prepare its defense. Later Murphy was compelled to say that he had exceeded his power in giving this assurance; but on April 11, 1844, Calhoun, who had succeeded Upshur in the state department, informed Van Zandt that the troops and fleet had been disposed as he desired, and the treaty was signed the next day.

The treaty recited that the people of Texas, in 1836, voted almost unanimously for annexation, said that the same unanimity still existed, and declared that annexation would increase the security and prosperity of both Texas and the United States. Texas ceded all her public land, works and resources to the United States, and the latter assumed the Texan debt to an amount not exceeding $10,000,000. Texas was to be organized as a territory, subject to the constitutional rights of other territories, and was to be admitted to statehood when qualified. The treaty was to be ratified within six months. President Tyler sent it to the Senate, April 22, with a long message explaining his views of its importance. He said that annexation ought not to be regarded in a sectional light, but that it would benefit all sections. Texan institutions and ideas would harmonize with those of the United States; the North would gain a

valuable carrying trade and a market for its manufactures, and the South would gain security from domestic and foreign enemies. Moreover, annexation was necessary to save the country from Great Britain. The Senate debated the treaty until June 8, and then rejected it by a vote of thirty-five to sixteen. The vote was cast on party rather than sectional lines, the Whigs opposing and the Democrats favoring annexation. The President immediately sent into the House all the papers concerning the negotiation, and asked it to annex by joint resolution, but Congress adjourned on the 17th without action from the House.

Mexico had been an interested spectator, and May 30, 1844, notified the United States that it would consider annexation a cause of war, and that a declaration would automatically follow the ratification of the treaty.

Annexation had become the issue of the presidential campaign of 1844. Henry Clay, opposed to immediate annexation, was the nominee of the Whigs. Van Buren was the leading candidate of the Democrats until a month before the meeting of the national convention, when he published a disingenuous letter conveying the intelligence that he, too, was opposed to immediate annexation. It lost him the nomination. The convention on the ninth ballot all but unanimously nominated James K. Polk, who had frankly avowed his wish for annexation without delay, and adopted a platform declaring for the immediate "reannexation" of Texas, reannexation implying, of course, that Texas had been a part of the Louisiana Purchase, and that in taking it again the United States would merely be reclaiming its own. In the fall Polk was elected, and President Tyler was, no doubt, justified in taking this as an indication that the people wanted Texas annexed.

In the meantime President Houston was cleverly embarrassing the administration. August 6 his secretary of state, Anson Jones, notified T. A. Howard, the United States chargé d'affaires, that Mexico was preparing for an invasion, and demanded the protection that had been promised. Howard replied that his government would fulfil its obligations, but a reference to the correspondence showed him that protection was assured only during the pendency of the negotiations, and he thought that they ceased pending when the Senate rejected the treaty. However, he admitted that the subject was important, and said that he would refer it to the state department. Calhoun approved his construction of the correspondence, but told him to inform the Texan government that President Tyler was determined to protect Texas to the full extent of his limited powers. At the same time Calhoun wrote to Mexico that the President considered the question as still before the people, and that he would regard an invasion of Texas as "highly offensive" to the United States. To this Mexico replied that it would not be intimidated by the President's threats to desist from the effort to regain what was its own.

Annexation Accomplished.

In the annual message of December, 1844, President Tyler again placed the Texas question before Congress and urged speedy action. On the 9th McDuffie in the Senate, and on the 12th C. J. Ingersoll in the House, introduced joint resolutions incorporating the rejected treaty. Numerous other resolutions were offered in both Houses. On Jan. 13, 1845, Foster in the Senate, and Milton Brown in the House, both Whigs from Tennessee, introduced identical resolutions for the annexation of Texas as a state: it must present a properly authenticated

constitution for the approval of Congress by Jan. 1, 1846; its boundaries should be settled by the United States; it should cede to the United States its mines, minerals, public edifices, fortifications, barracks, harbors, navy, navy-yard, arms, custom houses, etc., but should retain its debt and public lands; under no circumstances should the United States assume the debt; it might, if it desired, be divided into five states, which upon qualification would be admitted to the Union, provided that the territory south of the parallel of 36° 30′ should be free or slave as it chose. This was amended to read, "and States formed out of territory north of 36° 30′ to be free," and, so amended, the bill passed the House January 23 by a party vote of one hundred and twenty to ninety-eight. On the 25th it went to the Senate, which discussed it almost daily until February 27, and then passed it with an amendment that the President might offer Texas annexation by joint resolution or negotiate another treaty *de novo*.

Benton and some other senators claimed that Tyler had promised to take no action under the resolution, and that Polk had pledged himself to proceed by treaty. However this may be—and it seems doubtful—Tyler lost no time in despatching an agent to Texas, Andrew Jackson Donelson, to offer annexation by the joint resolution. Polk was inaugurated the next day, but did not think it wise to rescind Tyler's action, because he feared to subject the matter to the hazard of a treaty that would have to run the gauntlet of the Senate and would require a two-thirds majority for ratification. He, as well as Tyler, was convinced that Texas was on the point of closing some arrangement with Great Britain that would prevent its accepting annexation, and the fear was quickened by the fact that President Jones was believed to be opposed to annexation. Donelson was

therefore instructed to hasten, and to meet any objections of the Texans with liberal promises.

Mexico delivered its usual protest. After the passage of the joint resolution Colonel Almonte asked for his passports and left the United States, and March 22 Mr. Shannon was given his passports in Mexico with a notice that diplomatic relations with his government were ended.

At the same time Mexico realized at last the hopelessness of again subjecting Texas, and proposed to acknowledge its independence if it would refuse annexation. On July 4, 1845, President Jones laid this proposal and the offer of annexation before a convention at Austin, and with only one dissenting vote it accepted annexation. It then adopted a constitution for submittal to Congress in December. The constitution was approved, and on December 29 President Polk signed the bill which formally admitted Texas to the Union. On Feb. 16, 1846, Anson Jones yielded the government to Governor Henderson, and bade farewell to the Republic of Texas.

Texas fared better by the joint resolution than it would have done by the treaty. Its debt was not assumed, but it retained its public lands, and in 1850 the Federal government bought its boundary claims for $10,000,000, with which it paid the debt; and it entered the Union at once as a state, while the treaty would have organized it as a territory.

At the end of its decade of independence Texas had outlived its greatest hardships. Its debt amounted to nearly $11,000,000, it is true, and it was regularly defaulting the interest; but the receipts were equaling the actual running expenses of the government, and the future and the boundless public domain, in a sense, secured the debt. The white population in 1847 was just over 100,000, and there

were 38,000 slaves. At the same time taxable values in the state were assessed at $44,000,000, which included 44,000,000 acres of land, 24,000 town lots, 35,000 horses and 382,000 cattle. For the fifteen months ending Oct. 31, 1845, the imports of the country amounted roughly to $1,250,000, and the exports to $829,000. President Lamar's administration had laid well the foundation of a wise educational system, but conditions had not favored its development. However, the census of 1850 showed 448 schools and academies in the state, with 11,500 pupils. At the same time there were thirty-four newspapers with a circulation of 19,000.

Bibliography.—The standard histories of Texas for this period are Bancroft, H. H.: *North Mexican States and Texas* (2 vols., San Francisco, 1884–89); Brown, J. H.: *A History of Texas* (2 vols., St. Louis); Foote, H. S.: *Texas and the Texans* (2 vols., Philadelphia, 1841); Garrison, George Pierce: *Texas: A Contest of Civilizations* (Boston, 1903); Kennedy, William: *Texas: The Rise, Progress, and Prosperity of the Republic of Texas* (2 vols., London, 1841); Wooten, D. G. (ed): *A Comprehensive History of Texas* (2 vols., Dallas, 1899); Yoakum, Henderson: *History of Texas . . . to its Annexation to the United States in* 1845 (2 vols., New York, 1856). The best account of the negotiation for annexation is in Garrison, George Pierce: *Westward Extenstion,* Vol. XVII., in *The American Nation* (New York, 1906). The book contains also a critical bibliography. The sources of the history of Texas are still largely manuscript; a collection of documents on the causes of the revolution made by the writer was published in *Publications* of the Southern History Association, Vols. VII.–IX.; and Professor Garrison has in press two volumes of the diplomatic correspondence of the Republic, which will be issued as a report of the Manuscript Commission of the American Historical Association. *Niles' Register* contains many valuable documents, and others are to be found in the Senate and House documents of the United States Congress.

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Chapter III.

TEXAS IN THE FEDERAL UNION, 1845-1861.

It was 1845. Far to the southwest beyond the realms of Anglo-Saxon civilization, a nation had been born. Her independence had been maintained for ten years. Her ambassadors had been kindly received and her sovereignty recognized by several of the leading nations of the world. She laid down her complete sovereignty by entering into the American Federal Union. All this was done through the art of diplomacy. Such rapid, far-reaching, ever-enduring national changes had not been seen in the world's history. This was Texas.

Anson Jones, the President of the Republic, voluntarily surrendered the highest office in the gift of his people, and by public speech commended them for the course they had given events. The transition was easy, though not less important. Following President Jones's retiring message came the official salutation of J. Pinckney Henderson, governor-elect. Mr. Henderson was himself no novice in the service of his adopted country. He had stood before kings as ambassador of the Republic of Texas. He was a past master of the art of diplomacy. In the audience that day, witnessing the important events, were many men, real giants, as evidenced by subsequent public service. The history of the Republic has been well set before the reader by another. It is ours to tell of the state during her first period after admission to the Union.

Jones, in his memoirs, says the people of Texas went wild when annexation was finally assured. They saw visions of peace and protection by their

old friends and kinsmen. They saw their lands rise to fabulous prices, and riches appeared everywhere. They saw schools and churches and homes secure through the protection of a strong government, willing to help. They saw an end of Indians marauding the country and murdering helpless women and children. They saw a chance to do business unmolested by robbers and intruding Mexicans. They saw a chance for crops to grow. They saw too much, 'tis true, but, like everyone rising from hardship and despair, took too quick counsel from hopes and desires. Many Texans then hoped, in vain, for what their children have since bountifully enjoyed.

Concerning the annexation of Texas, President James K. Polk said, Dec. 2, 1845: "In contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France took part in an effort to prevent annexation and to impose on Texas, as a condition of the recognition of her independence by Mexico that she would never join herself to the United States. We may rejoice that the tranquil and pervading influence of the American principle of self-government sufficient to defeat the purposes of the British and French interference * * * ,, *

Texas in the Mexican War.

Following close upon the annexation of Texas came the war between the United States and Mexico. The United States government had many and just causes of complaint against Mexico, on account of the treatment of citizens of the former by the latter. In it all, Mexico was evasive, and diplomatically asserted that the United States government

*Messages of the Presidents, IV., p. 387.

colonized Texas while it was a province of Mexico, only later to acquire it for selfish purposes.*

President Polk had already ordered General Zachary Taylor to go to the frontier of Texas, to use such forces as he had, and to acquire any others needed for the repulsion of any attack on Texas by the Indians or others, pending the complete annexation. War was imminent in the light of the insulting threats of Mexico and the conscious independence of the United States.

Enquiry was made of General Taylor how many troops were available from Texas. Confidence was expressed that the state would furnish men quickly and promptly. Orders having been given to make requisition upon the governor of Texas, General Taylor called for four regiments of volunteers; two mounted, two foot. The war had actually begun. In the beginning of this war there opened a school "which, in two years, turned out the best educated army in the science and practice of war the world ever saw. The alumni of this Alma Mater in the after-time, from honest conviction, espoused different sides, and conducted the war of giants on a scale of grandeur suited to the combatants, with a skill and courage unequalled in ancient or modern times, and with a fealty and devotion to the sides they espoused, at once the badge of honor and brevet of manhood and nobility."†

Notwithstanding, there were other and just reasons for the war. Mexico insisted on making Texas both the occasion and the place of its early conflicts. All of this was of great interest to the new state. Her geographical position called for cooperation with greater readiness than in other states. Her citizens were inured to hardships and

*U. S. Public Documents, Mexican War, No. 196, pp. 45, Et. Seq.
†Maxey in Comp. History of Texas, I., p. 690.

dangers. They did not shirk any call of duty. Even Governor Henderson answered the call, taking command of several regiments. This good man went to war by authority of the legislature, even technically violating the state constitution to do so. In all the army movements none were more gallant or responsive than the Texans. At the battle of Monterey they were especially valiant, true and aggressive. When the Mexican commander, Ampudia, surrendered, Governor Henderson, then a major-general, was appointed one of the commissioners on terms of capitulation.

It is not known just how many volunteered from Texas, the state records having been burned some years ago. Governor Lubbock says there were 8,000; but quotes Mansfield, whose history gives 6,600.* Brown says, "As near as can be ascertained, 8,018 Texans served under the United States during the war."† The records of the war department at Washington show the following organizations in the service of the United States from the state of Texas during the war with Mexico:

"First Texas Mounted Rifles, Col. J. C. Hays; First Texas Mounted Volunteers; First Texas Mounted Volunteers, six months, 1847; First Texas Foot Riflemen; Second Texas Mounted Volunteers; Third Texas Mounted Volunteers; Bell's Regiment, Texas Mounted Volunteers; Brower's spy company, Indians; Bell's company, Texas Mounted Volunteers; Cady's company, Mounted Rangers; Chevallie's battalion, Texas Mounted Volunteers; Conner's company, first service, Texas Mounted Volunteers, six months, 1846; Gillespie's company, Texas Mounted Rangers; Gray's and Grumble's companies, Texas Mounted Volunteers; Hay's

*Lubbock's *Memoirs*, p. 183. †Brown's *History of Texas*, II., 323.

Texas Mounted Rangers, three months, 1845-46; Hill's company, Texas Mounted Volunteers; Lamar's company, first service, Texas Mounted Volunteers; McCulloch's company, First Regiment Texas Mounted Volunteers; Price's, Robert's and Ross's companies, Texas Mounted Volunteers; Shiver's and Seefeld's companies, Texas Volunteers; Smith's company, Texas Mounted Volunteers; Stapp's company, Texas Mounted Volunteers; Sutton's company, second service, Texas Mounted Volunteers; Walker's company, Texas Mounted Rangers, and Wyman's company, Smith's battalion, Texas Mounted Volunteers."*

There is no doubt that many other regiments would have joined the army, but it was thought that the superiority of the United States over Mexico would soon end the conflict. Most men go to war not for military glory or promotion, but for defense of country. With this in view, many brave Texans staid at home in readiness to go at call. Lubbock was in this class. Whatever else may be said, it is true that "Texas furnished more troops to the war than any other state in proportion to her population" * * * "and whenever the occasion presented itself during the progress of the war, Texas troops were always where duty called them. They were among the bravest of the brave, as will be shown by the official records of the war."†

State Boundary.

From the earliest knowledge of Texas its border lines have been in dispute. It has been contended, with a good show of reason, that Texas was a part of the Louisiana Territory purchased from France in 1803, and by many writers its annexation is al-

*†*Comp. History of Texas*, I., p. 691.

ways spoken of as "reannexation." Thus affirmed the Baltimore Democratic Convention in 1844, on whose platform James K. Polk was elected President of the United States. As a matter of fact, the United States government set little store as to whether the Sabine or Rio Grande was the southwestern limit. Few men, at the time of the Louisiana purchase, could see any good to come from so much apparent waste.

It is well known that revolutions are not governed by the law of justice, but by sustained force. They have little regard for the conventionalities of treaties or the wishes of crowned heads. Titles are vested in the power to hold possession against all comers. An illustration of this can be seen in the fact that previous to the secession of Texas from Mexico, the political limits of Texas "were the Nueces River on the west, along the Red River on the north, the Sabine on the East, and the Gulf of Mexico on the south."* As soon as the new Republic had completed its governmental machinery it at once claimed the Rio Grande to be its western boundary. The United States recognized the claim by the command issued to General Taylor in his first march towards Mexico. Even after the Mexican War Texas sent a district judge to give judicial oversight to its management. The United States government ordered General Kearny, then in command at Santa Fé, to set up laws there as in any territory. Texans were insistent on their rights. The breach came near being serious, when the Texas authorities were notified that if they interfered with affairs in New Mexico they would be treated as intruders. Texas had the good sense to yield to superior strength, without a contest, but resorted

*House Doc. 35, 2d Sess., 24th Cong.

to diplomacy, through which she got $10,000,000 from the United States for the territory in dispute. Many Americans doubted the validity of the Texas claim, but President Polk believed in it.* The Greer county case, probably the last boundary dispute of Texas, was settled in 1896, wherein said county was declared to be in Oklahoma.

Political Conditions.

Texas was not an independent government long enough to develop political parties such as sprang up in the very earliest political movements of the United States. This young Republic had been settled by men who held certain powers acquired from the Mexican government. These men could not shirk leadership and the people could not help following. Naturally enough, the warlike times developed the heroic spirit. Men were elected to office for personal, rather than political, reasons. An example is often quoted wherein Governor Henderson, by an oversight, failed to mention in his official report the heroism of Col. Geo. T. Wood at the battle of Monterey. This neglect Wood's friends resented, and, in retaliation, they elected Wood governor. Soon after annexation policies of the general government began to have more weight. Men lined up first for men, then for policies.

The extreme northern part of Texas was included in the Kansas-Nebraska Act. Texas's first United States senators, Houston and Rusk, were divided in their sympathies and their votes in regard to this act. Rusk favored; Houston opposed. Houston's speeches, in the Senate and at home, in defense of his conduct brought him bitter unpopularity among many of his former valiant comrades in

*Polk's *Special Message*, July 24, 1844.

arms. Lines became rigidly drawn. Whatever was said about slavery, for or against, at home or abroad, aroused opposition to the policies, or the men who defended them. Texas, in relation to slavery, fast came to be the theme for public discussion all over the Union. The newly acquired territory from Mexico and Texas was the occasion. The debates were heated wherever held. In the South and in the North interests and sympathies bound the sections compactly together, only later to oppose each other the more fiercely. Texans joined heartily in every verbal combat in defense of the rights of the states. They hated cordially every suggestion that came from England in her well-known fight against slavery. In instances the question was largely academic, but vigorously contested. The Mobile *Tribune* (1849) is quoted as saying that the newly acquired territory is too far away to be of service in the spread of slavery, yet should be held on principle.*

In the evolution of political parties in Texas, the two-thirds rule was adopted by the Democrats. This is explained by the fact that during the first years of American statehood new states came in by pairs, one Northern, one Southern. When the great Northwest, cut into many territories, began to come in one by one, the South saw her dominance in the United States waning. Likewise could the South be easily defeated by the Northern Democrats on the basis of a bare majority. So, before the political contest reached the breaking point, the South had grafted into the political party law of the Democrats that nominations should be by two-thirds majority. Thus a Southern minority in population, if it amounted to more than one-third of the voting

*Niles's *Register*, LXXV., p. 75.

strength in the nominating conventions, could control the nominations for national affairs. In all this, Texas, as a whole, entered into perfect accord, both in State and in Federal affairs. It is believed that Texas public men were freer from fanaticism than many of their friends in the East, which may be accounted for in the fact that her people were more cosmopolitan.

By 1855 the Know-Nothing party, with its secret political societies, with its well-known anti-Catholic and anti-foreign policies, came into Texas. It is singular that its methods of political warfare should have ever appealed to Gen. Sam Houston, who, in 1856, "was the acknowledged leader of the Know-Nothing party in Texas, and had already thrown down the gauntlet of defiance to the Democracy in a great speech under the very nose of the Democratic legislature."* The defiant cry for a rule of the people was everywhere against the Know-Nothings. While the Democrats met for the first time in state organization as a party in Austin, April 27, 1846, yet the first state gubernatorial convention met in the then small town of Waco in 1857. It was very necessary for the Democrats to unite if they beat Houston, who had the support of the Know-Nothings. This canvass for state officers was swift and severe. To beat the old general, now the opposing candidate to the Democracy, was no small thing no matter what he advocated; but its party principles had become more and more fixed in the minds of the Texans. H. R. Runnels, for the Democracy, won by nearly 10,000 votes. The following year Houston was also defeated for the United States Senate by Judge Hemphill.

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*Lubbock's *Memoirs*, p. 205.

Public Debt of Texas.

Just prior to annexation there was a fearful poverty in public finances. Expenses of international diplomacy, protection against Indians and marauding Mexicans, conduct of home affairs, all together had left the public treasury in a bad fix. There was paper money irredeemable, except in vast lands unlocated, unsurveyed and without buyers. The credit of the Republic was wretched. No one knew the future. In three years of Lamar's administration the debt had accumulated from little less than two millions to over seven millions, and by 1851 there was a debt of $12,436,991.34.* It must always be said to the credit and wisdom of Anson Jones, the last President, that he stood firm for the credit of the nation. He advocated and caused to pass the repeal of all laws by which paper money could be issued by the government, corporations or individuals. No debt was created during his administration.

The state profited by the experience of the Republic. However, for years it seemed that she could not pay large amounts due to war creditors. By agreement with the United States, Texas held all her public lands, with which she was to pay her creditors. It must be remembered that funds had been borrowed on the expectancy of the custom receipts. Texas was not now a nation. Her custom houses, ships, barracks and other national paraphernalia were surrendered to the Union. Creditors began to look to the United States to meet the bills long past due, for Texas could collect no tariff and had no buyers for her lands. Finally, a bill was introduced and defended by Henry Clay that the rights of the creditors did hold against the United States, and

*Gouge's *Fiscal History of Texas*, p. 276.

that the same should pay them off. He further said that he did not believe Texas's claim to New Mexico valid, yet in the light of surrendered customs, and as a compromise for the claim, he favored paying Texas $10,000,000. This was passed in 1850. The United States held back $5,000,000 for a time in order to meet prompt payments of any outstanding accounts. This latter Texas resented somewhat, believing herself willing to settle honorably with her creditors.

It must be understood that in no case did money-lenders ever buy Texas bonds at par. In fact, they were often bought for just a few cents on the dollar. Now, however, the same creditors wanted one hundred cents on the dollar, though they never expected it at the time of the purchase. Texas therefore entered upon a systematic plan of scaling the debts from par to approximately the market value at the time of their purchase, with accrued interest. Gouge deprecated the conduct of Texas, but Texas defended it. Scaling debts was a bad policy, but the example was set by the United States in the settlement of her first war debt.* Texas paid all she ever realized and more, said Houston.† It was thought by many, at the time, that Texas traded worthless land to the United States for money by which she had won her independence. All of that land in New Mexico formerly called worthless is now rapidly settling up by good people, and is known to be valuable beyond even the dreams of the early Texans. The trade was mutually helpful.

Social Conditions.

It is difficult for any reader, without experience in frontier life, to enter into the real social status

*Lubbock's *Memoirs*, p. 194.
†Speech in Senate, Feb. 4, 1853.

GALVESTON IN 1850.

of the early Texans. They were far removed from the markets. It was difficult either to buy or sell. It was not known what could be grown to advantage on the lands. Flowing water was scarce. Wells were few. No one dreamed that just under the surface, and even in the far western parts, water was abundant. Houses were poor. In 1847 there were, by the first census, 100,508 Anglo-Texans and 4,000 Mexicans. This gave about two and a half square miles, or sixteen hundred acres of land, to each inhabitant. National character was slow in building. Neighbors often lived miles apart, except in villages or so-called settlements. Schools and churches were rare at first. Life was precarious, at best, on account of the danger of the Indians to life and property. Particularly was this true when the men were away from home, in search or care of live stock, or in defense of their country from hostile attacks.

It must not be thought that the people were either bad or ignorant, because adventurous enough to seek homes under such conditions. "During the last years of the Republic, graduates from half the colleges in the United States could be found in Texas."* As a matter of fact, no new country is ever developed by ignoramuses. It takes courage to leave home and launch out upon the seas of hardship found in every frontier. Remember the New Englander, the Virginian, the early settlers of every state of the Union. These were men of business, men of statesmanship, men of learning, men of God, men of faith in every calling. Only such men and women endure heroically and constantly. What if they had few mills and had to eat crude bread. What if potatoes often took the place of bread.

*Bancroft, XVI., p. 393.

What if clothes were home-made and often coarse, wanting the cut of modern tailors. What if transportation was slow and very hard. These were men and women who knew luxuries and missed them; who had culture and longed for its companionship; who had religion and lived it in the homes by necessity, more than in public meeting-houses; who deliberately determined to create for themselves and their posterity the blessing of the highest civilization. It was done well in laws, in public schools, in private colleges, and later in public normal schools, colleges, and the present magnificent State University.

Texans owe much to the Mission Societies of the eastern states, for the money and zeal set forth in the erection of meeting houses, in the organization of churches, in the promotion of denominational colleges. Higher education was done by the denominational colleges and universities in Texas, prior to the opening of the State University in 1883. Among the institutions organized during the period of this paper were Baylor University at Waco, fostered by the Baptists; Southwestern University at Georgetown, fostered by the Methodists; Austin College at Sherman, fostered by the Presbyterians. These schools have changed, the first from its location, the last two both names and locations, but have continuously done a notable service by sending forth men and women equipped for both public and private life.

Something had to be done to enlist investment of money from abroad in railroads. Prospect of profit was too far off. The state gave sixteen sections of public lands for every mile of road actually completed under certain conditions. The railway companies were required to make the surveys and to take every alternate section. The others went in

perpetuity to the public school fund. It was a great reward and stimulated building at a time that greatly helped the people.

Attitude of Texas as to Slavery.

The admission of Missouri into the Union was America's first great contest over slavery; the annexation of Texas was the second. The two inevitably led to war. Calhoun's letters and state papers avow that to annex Texas meant to help the status of slavery in the South, and to extend its territory to the west. As an evidence that there were those who did not sanction Calhoun's idea, we insert what President Burnet, of Texas, said, 1836, in a proclamation on slavery, as follows:

"Whereas, the eighth article of the general provision of the Constitution of the Republic of Texas provides that the importation or admission of Africans, or negroes, into this Republic, excepting from the United States of America, is forever prohibited and declared to be piracy; and

"Whereas, the African slave trade is equally revolting to the best feelings of our natures, and to the benign principles of the Christian faith, is equally destructive to national morals and to individual humanity; and

"Whereas, the most enlightened and powerful nations of Christendom are exerting both their moral intelligence and physical power to suppress that odious and abominable traffic.

It was singular to prohibit it "except from the United States." Politics and slavery were inseparable. The North and the South cordially hated each other. Texans were offended that Vermont should, by legislative action, ask Congress not to annex the new Republic as a state, on the ground of the existence of slavery. Ashbel Smith, minister to the Court of St. James, disclaimed any responsibility for the presence there of certain abolitionists.

*Niles' *Register*, May 21, 1836.

He further announced that Texas was committed to slavery. Judge John H. Reagan defended slavery in Congress, but denounced fanaticism of the South as well as of the North. He was bitterly opposed for reëlection by men who favored the reopening of African slave trade, but he easily defeated them. Concerning the Mexican War, it is said: "The radical wing of the Democratic party of the South soon openly avowed that it was, in fact, a 'Southern' War,"* and further that the Southern Whigs in Congress opposed acquisition of territory from Mexico, saying it meant more free states. This was the view of Waddy Thompson, who was said to know more of Mexico than any man in America.

Reference has been made above to reopening African slave trade. This was proposed by a few in Texas, evidently originating, as Governor Roberts says, in the "Gulf States east of Texas." The few who favored it also favored extension of slave territory. Roberts further said: "It was a mystery not generally understood at the time, and that has never since been solved, how it was that eminent citizens of Texas could believe such a thing to be possible while Texas was a state of the Union, for had the issue been then presented even in Texas, at least nineteen-twentieths of the people would have voted against it."† Governor Lubbock says the charge was incorrectly and untruthfully made against the Democrats.‡

In 1859 there was held a "Commercial Convention" at Vicksburg, Mississippi, whose object was to affect the repeal of all laws against importation of slaves. Texas was invited to have delegates present. Everybody saw secession was inevitable

*Von Holst, 1846–50, p. 302.
†Comp. History of Texas, II., p. 53.
‡Lubbock's Memoirs, p. 248.

Houston wrote to Reagan: "Our people are going to war to perpetuate slavery, and the first gun fired in the war will be the knell of slavery."* Meantime the Democratic Convention, to nominate a President of the United States, met at Charleston, South Carolina. It was a time to test the mettle of every man. Anti-slavery North knew what it wanted. Pro-slavery South contested every inch. Texas, with other Gulf states, withdrew from the convention. Thus, in this public way the whole of the South presented a compact front.

Secession and Houston.

In the inaugural address of Governor Runnels he foresaw the disunion of the states, the overmastery of the North, and gave advice to the people to prepare for war by enlisting and training volunteers and by whatever other means that would save the integrity of Texas as he saw it. He caused the legislature, in 1858, to adopt the following:

"Resolved, etc., That the Governor of the state is hereby authorized to order an election for seven delegates to meet delegates appointed by the other Southern states in the convention, whenever the executive of a majority of the slaveholding states shall express the opinion that such convention is necessary to preserve the equal rights of such states of the Union, and advise the governor of these states that measures have been taken to meet those of Texas."†

A difference of opinion existing as to the status of the questions growing out of the Kansas-Nebraska Act, Governor Runnels, in his retiring message, urged that the legislature take a decided stand, and that without equivocation. He urged

*_Texas Historical Quarterly_, III., p. 280.
†Thrall's _History of Texas_, p. 378.

that if the laws under the Act could be relied upon, the sooner the public should know it, the better. He was opposed to agitation, except as a means to fight that already existing. He said: "We have asked time and again that the agitation of all mischievous questions calculated to endanger our domestic policy, or our peace and security as equal members of the Confederacy, should cease. Our prayers have not been granted, and, now, shall we submit without the utterance of a murmur of complaint, without even offering a reason to combat the false dogmas and anti-slavery propagandism, however insidious and covert its form, or hidden its object? My own answer—first, last and forever—is, unconditional, no. Silence at this juncture, in view of the political position of Texas, may be misconceived and misconstrued. Equality and security in the Union, independence outside of it, should be the devout conviction; that, if guided by wisdom, prudence, sagacity and patriotism, the Divine Being will smile on your councils, and that all may yet be well."*

Judge Reagan said, 1860, if Lincoln were elected the governors of all the slaveholding states should convene their legislatures to present a solid front to the Northern states. Guy M. Bryan also thought that "Texas could not, within honor, remain in the Union. She could not remain there in safety."† Houston saw what was coming, but took opposite grounds in his message ten months before Lincoln was elected: "Texas will maintain the Constitution and stand by the Union. It is all that can save us as a nation. Destroy it and anarchy awaits us."‡ In 1856 ex-President Jones wrote: "I have said I

*Runnell's *Retiring Message, Comp. History of Texas*, II., p. 63.
†Lubbock's *Memoirs*, p. 299.
‡Brown's *History of Texas*, II., p. 386.

believed the Union to be in danger and I believe the next three months will determine whether it can be maintained in its integrity and usefulness, or not." He said that the constitution or slavery must fall, that he would rather see the continent swallowed up than the Union destroyed.*

During the sectional controversies and convention splits, during the hatred of one party against another, Gen. Sam Houston was proposed for President of the United States. He said one time he would not run, but finally, in a letter, he announced to the public that he had consented (May 24, 1860) to be a candidate for President. It was even reported that his name and picture were flaunted to the breeze in New York, but when he saw that he could not be elected he withdrew his name. Houston wanted the Union to stand, but wished "to beat Lincoln with any man in the field."† He, having been defeated, 1857, as a Know-Nothing, in 1859 was elected governor as an Independent Democrat. He was a masterful leader of those who held on to the Union. He did not want to call the legislature to consider the question of secession. Other states were going out. There was once more a quick reversal of dependence on Houston's leadership. Meetings were held. One in Marshall "Resolved that the election of Abraham Lincoln to the presidency of the United States is a violation of the spirit of the constitution and should be resisted by the states." Pendleton Murrah, afterwards governor, at the Marshall meeting advised Texas to seek conference with other states. Mr. E. Greer, in hot haste from Marshall, tendered to the governor of South Carolina the services of a mounted regiment of Texas Volunteers. Public sentiment

*Anson Jones's *Memoirs*, pp. 550–556.
†Letter to General Crawford, Crane's *Houston*, p. 232.

finally compelled Governor Houston to call the legislature together Jan. 21, 1861. At that time he notified it of the secession of South Carolina and of the reception of a letter from the governor thereof, seeking the coöperation of Texas. He hotly opposed the course of South Carolina, and by reasons most cogent urged that Texas stand for and in the Union. There was a long debate of days. The hour had come. An ordinance of secession was passed Feb. 1, 1861, by a vote of 167 to 7.* Houston declared the act null and void. When it was passed up to the people for a vote it was 34,415 for, to 13,841 against. A day was declared to require an oath of allegiance to the constitution of the Confederate States. Twelve o'clock noon was the hour, March 16, 1861. All state officers promptly took the oath except Governor Houston, Secretary of State E. W. Cave and Attorney-General A. B. Norton. These offices were declared vacant and Lieutenant-Governor Clark became governor. Houston withdrew from the capital and retired to his private home. He was a past master of politics and men. Few men in America were ever so great in so many ways. After the war began he stood for it, giving up his oldest son to enter its service as a soldier. Whatever else may be said of him, he was never swept off by popular movements. He did his own thinking and much of that of his followers.

J. W. Throckmorton, afterwards governor, was one of the seven who voted against secession. There were hisses heard in the halls. He promptly arose and said: "When the rabble hiss, let patriots tremble."† Judge John H. Reagan writes: "A few days later delegates were elected to a Provisional Congress which had been called by the seced-

Comp. History of Texas, II., 105.
†Judge John C. West, Waco.

ing states of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana. I was one of those chosen and was associated with Louis T. Wigfall and John Hemphill, ex-United States Senators, T. N. Waul, John Gregg and W. B. Ochiltree.''* Judge Reagan was quite soon made Postmaster-general of the Confederacy, a cabinet position he reluctantly accepted and carried out in a masterly manner. Governor Lubbock was made an aide-de-camp to President Davis, with the rank of colonel. Messrs. Reagan and Lubbock were captured at the same time, and in company with Jefferson Davis.

The number, fidelity, heroism and work of the Texans in the fight of the lost cause are not surpassed. They were true to the end, and afterwards suffered in the misrule of Reconstruction as few other states.

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*Reagan's *Memoirs*, p. 108.

Chapter IV.

TEXAS IN THE CONFEDERACY, 1861-1865.

Contributions in Men and Supplies to the Confederate Government.

Texas was formally admitted to the Confederacy by an act of congress approved March 2, 1861, but not until Governor Houston had been deposed was the authority of the general government fully recognized within the state. In the meantime the President, Jefferson Davis, had assumed control over all military operations in the various states having reference to other states or foreign powers. Although authorized to organize a provisional army, President Davis did not call on Texas for troops at once, as it was generally believed that war would be avoided. In April the firing on Fort Sumter and Lincoln's call for volunteers effectually dissipated this hope; yet even after hostilities had begun the belief was prevalent that the war would be only of short duration. In April the Confederate government requested Governor Clark to get 3,000 troops in readiness for service, and shortly afterwards asked for 5,000 more. These were first raised as state troops and then mustered into the Confederate service. In June an additional 2,000 were called for. Meanwhile a number of companies, battalions and regiments were raised by individuals with the permission of the Confederate authorities and without the intervention of the state. These were mustered directly into the Confederate army and were taken out of Texas. However, most of the troops raised in 1861 remained in the state, for it was believed that the war would not last long enough to

justify taking them on the long and expensive trip to Virginia.

In the state elections of that year Edward Clark, supplanter of Houston, was narrowly defeated for the governorship by Frank R. Lubbock, who exerted himself to the utmost to put the state into a better condition of defense and to furnish needed support to the general government. By this time the course of events in the North and the energetic determination of Mr. Lincoln to reduce the South to submission at any cost made it clear that a more thorough organization of methods of raising troops and supplies was necessary. When the legislature met that winter it proceeded first to raise a mounted ranger regiment for service against the Indians on the frontier, and then to divide the state into thirty-three "brigade districts" for the more orderly and expeditious enlistment of soldiers. All able-bodied men between the ages of eighteen and fifty years, except certain public and quasi-public officials, were declared subject to military service and were to be enrolled in companies. Companies and regiments thus enrolled were under State authority until called for by the general government and mustered into its service. In the early spring heavy demands were made upon Texas for men. She had already contributed more than 16,000* to the Confederacy, but the burdens of extended operations necessary to meet the heavy attacks planned against the Southern states east of the Mississippi required that the whole strength of every part of the new government be brought into action. By the Confederate "conscript law" of April 16, 1862, all men between the ages of eighteen and thirty-five were to be taken immediately into active service. None were to be enlisted for less than three years or for the war.

War of the Rebellion Records, Series IV., Vol. I., P. 983.

Those in Texas above the age of thirty-five who did not volunteer for Confederate service remained in reserve as state troops; but as the war progressed and the condition of the government became more precarious, the age limit was extended again and again until the country was drained of its men, both young and old. Governor Lubbock responded energetically to the continuous call for men, notwithstanding the exposed and precarious condition of the defenses of the state, especially along the coast; but he was greatly hampered by numerous permits injudiciously granted by the Confederate authorities to individual officers to enlist men in Texas without regard to the arrangement devised by the state government. In this way more men were being drawn out of Texas than the requisition called for, and it was only after repeated protests on the part of Lubbock that the practice was stopped.

Because of the repeated merging of battalions into regiments and the reduction of regiments to battalions again, it is impossible to more than approximate the number of troops furnished to the Confederacy by Texas. Lubbock estimated that by February, 1863, the total enlisted in the regular army was 62,000, with 6,500 more in the state service, while in addition to these were nearly 27,000 others between the ages of sixteen and sixty years not then enrolled at all.* This was far in excess of the highest popular vote and is almost certainly too high. It seems probable that the total was nearer 50,000, of whom some 12,000 were permanently east of the Mississippi. Among the latter were the famous Hood's Brigade of the Army of Virginia, winning glory in every battle from Gaines' Mill to Appomattox, while in the Army of Tennessee were Ross' Brigade (cavalry), Granbury's Brigade, Terry's

*Lubbock: *Six Decades in Texas*, p. 471.

Rangers (cavalry), and the Eleventh Texas Cavalry. All of these organizations won imperishable glory for themselves and their state. In the trans-Mississippi department, scattered about over Louisiana, Arkansas and Texas, were nearly 40,000 more troops. While they did not engage in conflicts as conspicuous as those of their comrades across the river, they saw bitter fighting and hard service.* Aside from these were several regiments and battalions of state troops aggregating 8,000 or 10,000, acting as frontier guards and interior patrols. They were often called upon for garrison and scouting duty upon those occasions when the enemy threatened the border, and were frequently sent upon the less pleasant task of hunting out "skulkers," "bushwhackers" and other lawless characters, and all of those who, for any reason, were attempting to evade military service.

The part taken by Texas in furnishing and forwarding supplies to her sister states was fully as important as the furnishing of soldiers. Her proximity to Mexico and her comparative inaccessibility to attack rendered her position one of unique strategic value. From the beginning, the blockade of all or practically all Southern ports had reduced foreign traffic and communication by sea to a precarious dependence upon blockade runners and had compelled the Confederate government to turn to the Mexican border for the importation of such necessities as could not be obtained in the states themselves. It proved, however, no easy task even when the Federals were not at hand to interfere. Between Galveston and the Rio Grande was a distance of nearly 400 miles, without railroads and most of the way a desert. Goods had to be hauled in wagons

*A very full account of the Texan troops in the Confederate armies, with special attention to the more conspicuous regiments, is given in Wooten's *Comprehensive History of Texas*, Vol. II., pp. 571-754.

and guarded against marauders. Yet the greatest difficulty lay in the simple lack of hard money for the purchase of the supplies wanted. Confederate money and bonds were received with some misgiving and were heavily discounted from the first. As they fell lower and lower recourse was had to the barter of domestic products, cotton chiefly, and also wool and hides. But lack of proper organization, lack of harmony between different interests, opportunities for speculation, and private and official corruption joined with the difficulties already inherent in the situation to weaken the efforts of the government. When the economic history of the Confederacy is written, the story of this Mexican border trade will make an interesting chapter. But this did not comprise the total service of Texas in obtaining supplies.

In April, 1862, the legislature had passed an act creating a military board consisting of the governor, comptroller and treasurer, whose duty it was to purchase arms and ammunition and provide for the manufacture of arms and ordnance for the defense of the state. At first the board made no use of cotton, but secured funds by the sale of state bonds and of the United States bonds obtained in 1850. The supplies thus obtained, either in Mexico or abroad, were not always kept for the use of the state, but were sometimes disposed of to the government at Richmond in exchange for Confederate bonds. Considerable difficulty, however, was experienced in disposing of bonds in foreign markets, and finding that cotton was more in demand, the board issued circulars to the people offering 8 per cent. state bonds in payment of their cotton. Through various agents appointed to receive this cotton some 4,800 bales were obtained, carried to the lower Rio Grande and sold; and arms, ammunitions, medicines and

other supplies to a corresponding value were brought in. During the same year, 1862, the board contracted for a great deal more cotton that was not delivered. It was stated in a report to the legislature that from $150,000 to $200,000 worth of goods were at the mouth of the Rio Grande awaiting facilities to land with other consignments on the way.*

More cotton was needed to cover these shipments. There were two difficulties encountered by the board that were never fully overcome during the whole course of this traffic. In the first place it proved well-nigh impossible to secure all the cotton contracted for, because the owners were constantly seeking and securing some way of exporting their cotton themselves where they could sell it for hard cash instead of state bonds. Frequently, therefore, the board was unable to pay for consignments that had arrived and were in danger of capture—a thing which damaged its credit and made more difficult the procurement of other goods. Again, cotton was often sold to irresponsible speculators and allowed to go to Europe before an equivalent in goods was obtained. In March, 1863, the board was authorized by the legislature to continue buying and selling cotton in order to provide specie for the needs of the state treasury. In December, 1863, under Governor Murrah's administration, the board was reorganized by legislative enactment, the governor being given power to appoint his colleagues, and its authority was extended over all public works and the production and importation of public supplies. It now undertook work that had before been left to private enterprise or initiative of the governor. It built foundries, authorized the manufacture of guns, cotton cards, cloth, hats, tents, blankets and other necessities, and sought their importation when pos-

*Lubbock: *Six Decades in Texas*, pp. 667–668.

sible. To secure them from abroad was, however, growing more and more difficult, not only because of the increased watchfulness of the Union forces, who, in the fall of 1863, seized and held the mouth of the Rio Grande, but also because of an unfortunate lack of concert and harmony with the Confederate authorities who were endeavoring to make similar uses of cotton.

The Confederate government had endeavored at first to support its bond issues by revenues from customs duties and a general war tax. The former, for obvious reasons, never amounted to much, and the latter was not always paid promptly, even in the beginning of the war. When its bonds fell, the government, as did Texas, went into the cotton business. At first the cotton was handled by the general quartermaster's department and was exchanged directly for munitions of war. Private parties were also given contracts to the same end. After the fall of Vicksburg and the capture of the Mississippi, communication between the east and west became very difficult, and the latter became almost a separate and independent district. At the solicitation of its commander, Gen. E. Kirby Smith, a cotton bureau under his general direction was established for the more efficient handling of this business in the west. But the bureau found its path a thorny one. Unable, often, to procure the bonds or currency of the government, unable to induce the planters to sell their cotton freely for money of this sort, out-bid by the state military board of Texas, its efforts weakened by official connivance with private speculators, by conflicting authorities and official quarrels, and by mismanagement if not downright corruption, the bureau was never able to accomplish half of what was hoped for. When cotton became difficult to procure the military authorities im-

pressed first a fifth of it, then one-half, and lacking cash, paid only in certificates of indebtedness which the government would not receive even in payment of taxes. Restrictions were placed upon exportation by private parties; outgoing vessels were obliged to take half of their cargo in government cotton and to return with a like proportion of their cargo in supplies for the government.* These rigorous measures, justified perhaps by desperate military necessity, rendered the bureau and its officials extremely unpopular. On all sides arose complaints of mismanagement, of corruption, and of ruthless speculators in the guise of officials or favored as "exempts" and "details" from their proper military service.

Perhaps the Confederate authorities were less happily situated than those of Texas for the business in hand, yet it is easily evident that the latter were more successful in raising supplies both for themselves and for the general government. Inaccessible to the enemy, her planting system still intact, Texas remained, despite her sparse population, the great storehouse of the western portion of the Confederacy. The cotton was far from being the only product of value. Vast quantities of beef, pork and corn were sent to the armies, while the efforts of the military board, as recited above, supplied clothing and munitions of war. There were also numerous free public subscriptions to the same purpose.

Military Operations in Texas.

Lack of opportunity for the display of extraordinary military talents may account for the infrequent change of commanders in the west. The first general officer in command of Confederate troops in

*_War of Rebellion Records_, Vols. XV., XXXIV., XLVIII. and LIII., under index of _Trade and Intercourse_, correspondence of E. K. Smith, W. A. Broadwell, J. B. Magruder, P. W. Gray, H. P. Bee, _et al._

Texas was Gen. Earl Van Dorn, who assumed control April 21, 1861, and was relieved on September 18 by Gen. P. O. Hebert. This officer retained command of the department of Texas until Nov. 29, 1862, when Gen. J. B. Magruder became commander of the district of Texas, which position he held to the close of the war. In May, 1862, all of the region west of the Mississippi had been organized into the Trans-Mississippi department under command of Gen. T. H. Holmes. In March, 1863, he was relieved by Gen. E. Kirby Smith, who remained in command until the surrender.

There were no military operations of an extensive character in Texas at any time during the war. Such fighting as occurred was around the borders of the state, for the enemy never penetrated any distance into the interior. In the summer of 1861 an expedition under Gen. H. H. Sibley was made into New Mexico for the purpose of securing that territory to the Southern cause. After capturing Fort Fillmore and defeating the Federals under Canby at Val Verde, Feb. 21, 1862, Sibley pushed on to Santa Fé. Federal reinforcements in the following spring and lack of supplies compelled the command to withdraw to El Paso, and finally to San Antonio. A few bloodless encounters took place along the coast, resulting in the capture of a part of the Third U. S. Infantry under Maj. C. C. Sibley and the vessel *Star of the West,* famous as having drawn the first fire of the war at Fort Sumter.

In the same summer a number of United States war-vessels appeared off the coast and undertook a blockade. From time to time small parties were sent ashore at unprotected places and managed to do some damage. Texas was almost entirely without coast defenses, since there were very few cannon and little ammunition, and strenuous efforts were

made to put the ports in a condition to resist attack. Fortifications were thrown up at Galveston, Sabine Pass, Velasco, Corpus Christi and other points. Ammunition was brought in from Mexico, and heavy guns from New Orleans via Red River and overland to Houston. Minor engagements between coast patrols and detachments from the blockading ships continued through 1862.

On Oct. 4, 1862, the blockading squadron off Galveston steamed up the channel and opened fire upon the city. After some negotiations, a truce of four days was agreed to and the Confederates, finding it impossible to defend the city with the forces at their command, evacuated the island and fortified Virginia Point on the opposite shore. The Federals did not actually occupy Galveston until December 24. In the meanwhile General Magruder, with laurels still fresh from his Yorktown campaign, had assumed command of the district of Texas and immediately planned the recapture of the island-city. The enemy had thrown into the city a garrison of 260 soldiers, and had in the harbor a fleet of eight armed vessels and two barks. Magruder had two cotton steamers fitted up as gunboats with decks protected by cotton bales, and placed thereon about 300 volunteers armed with shotguns and rifles. These were to attack the largest of the war-vessels. On the night of December 31 after dark several batteries of heavy guns were carried across the railroad bridge to the island, about 1,000 men were taken across as a storming party, and the whole moved through the town close to the enemy. Shortly after midnight the attack opened, but the land batteries were unable to effect much damage until the improvised gunboats reached the scene and fell upon the *Harriet Lane,* the largest of the Federal vessels, boarded and captured her. Three of the

squadron managed to escape, the rest were either captured or destroyed. The garrison on shore also surrendered. The attack had been skilfully planned and daringly executed, and the victors received the thanks of the Texas legislature, President Davis and the Confederate Congress. Galveston was once more open to blockade runners, and danger of invasion from that quarter was removed. It remained in the hands of the Confederates until the end.

The Federals had not, however, given up the idea of invading the state. Gen. A. J. Hamilton, a Union refugee from Texas, shortly before this had been appointed military governor of the state by President Lincoln. Hamilton was exceedingly anxious to establish Union forces within its borders, for it was believed that a large portion of the people were disaffected and could be won over. He insistently urged upon the Union commanders at New Orleans that an expedition be fitted out. The United States government, moreover, was now confronted with imminent danger of French intervention from the side of Mexico, which had just been seized by Maximilian, the agent of Napoleon III. It was known that tentative proposals had been made to the states west of the Mississippi for France to intervene in their behalf on the terms of the Louisiana cession in 1803,* and it was also known that many high officials in the Confederate government were eager to secure the aid of the tri-color flag. Therefore it seemed of the highest political as well as military importance that a heavy force be thrust in between Mexico and the Confederacy, and General Banks was required by the authorities at Washington to undertake operations to that end with as little delay as possible. In September, 1863, Banks sent 5,000

*As the proposition made directly to Texas implied that the state was to withdraw from the Confederacy, it was promptly rejected. See Lubbock: *Six Decades in Texas*, pp. 511–515.

troops on transports with a convoy of gunboats to force a landing at Sabine Pass, with the object of taking Beaumont and Houston. From here it was expected that the interior could easily be penetrated by use of the railroads. In the attack on the small fort at the Pass the brave little garrison of forty-seven Irishmen under Lieut. Dick Dowling disabled and captured, without the loss of a man, two of the gunboats with 350 prisoners, and drove the others out of the harbor. The fleet returned to New Orleans.

Nearly two months later Banks sailed from New Orleans with nearly 6,000 men for the mouth of the Rio Grande. Brownsville and the region round about were speedily taken, for the Confederate forces were exceedingly meagre, and during the early winter expeditions were pushed up the river to cut off Texan communication with Mexico, and along the coast toward Galveston as far as Indianola. In the meantime danger of French intervention had passed, and by the opening of spring all garrisons, except those at Matagorda and Brownsville, were withdrawn, and Banks was back at New Orleans preparing an attack upon Texas by way of the Red River and Shreveport. This expedition also failed. Before it reached the Texas line the Union army was defeated by Gen. Dick Taylor at Mansfield on April 8, 1864, and compelled to retreat to New Orleans. At the same time an attempt on the part of General Steele to coöperate with Banks from the side of Arkansas was frustrated, and he withdrew to Little Rock. This was the last attempt to invade Texas.

There had been much fighting by small parties along the Rio Grande and the adjacent coast country. Small forces from the Union garrison at Brazos Santiago were continually making attacks upon and

plundering the small unprotected towns along the coast. In March, 1864, Col. E. J. Davis with a force of some 200 Texans and Mexicans, Unionists, marched against Laredo—then important to the Confederates as a depot for supplies from Mexico—but was defeated by Col. Santos Benavides and driven back. During the next summer Col. John S. Ford raised a force for the recapture of Brownsville from the Federals. After several skirmishes he reached the city and forced the enemy to evacuate, July 30, 1864. The latter still held the mouth of the river, and in September following made an effort in conjunction with the Mexican adventurer, Cortina, then commanding an independent section of the Mexican Liberal army, to drive out the Confederates. The attempt was defeated and the Texans held Brownsville until the breakup of their army in 1865. The last battle of the war was fought near this point, at the Palmito Ranch, May 13, 1865, in which a body of 800 Federals was put to flight by a much smaller force of Texans under command of Colonel Ford. From the prisoners the victors learned that their government had fallen and that the war was over.

General Conditions During the War.

The din and stress of war had so overborne the interest in partisan politics that there is little of the latter worth recounting for this period. There was, in fact, but one party, the supporters of the war, for such was the intensity of public feeling that its opponents were not allowed to express themselves, much less form a party. No historian of the period, however, should entirely omit mention of the Union sentiment that was manifested in certain parts of the state. Perhaps one-third of the people were either opposed to secession or went into it reluct-

antly; but once in, most of them gave it their support. A small number remained Unionist, and found themselves objects of suspicion, and confronted with the choice of entering the Confederate army or of fleeing from the state. The latter was hazardous since the authorities regarded it as desertion to the enemy. In the southwest hundreds of Germans made their way out of the state despite the efforts of the state and Confederate authorities to intercept them, while in other parts anti-secessionists endeavored to escape the searching parties by hiding out among the hills and forests, acquiring thereby the evil name of "skulkers." Generally they were hunted down without mercy, often with the greatest cruelty, for public service too often became a cloak for private grudge. Their story is a painful one, but such as will always be told of a minority favoring the public enemy, and it is doubtful if the Union men in Texas suffered worse than the "copperheads" in the North. In a material way Texas was more fortunate than any of her sister states. No invading armies had laid waste her towns and farms or taken away her slaves; and although practically all able-bodied men had been drawn into the army, crops, with the aid of the negroes, had been good every year. In fact, so many slaves had been transferred to Texas from other states for safe-keeping that labor was plentiful. If skilfully managed, the resources of the state could have been so conserved as not only to add more than was done to the material strength of the government but also to encourage the active loyalty of the people.

But it gradually became apparent that the general enthusiasm that had marked the first years of the war was giving way to the irritation and despondency that presaged defeat. The struggle was becoming hopeless. Sherman's march to the sea had

shown the impossibility of ultimate success, and people began to weary of the constant strife. The dissatisfaction of a large element had been increased by the apparent solicitude of the government for the wealthy planting class in exempting their slaves from impressment and themselves from military service. It was currently declared that it was "a rich man's war and a poor man's fight." The discontent reached the troops in the field. Several regiments became mutinous, desertion grew common. The soldiers, in fact, were half clad and had been for months practically unpaid.

The "Break-Up."

The officials, state and military, made desperate efforts to revive the waning enthusiasm and to maintain a bold front, but without much success. The news of Lee's surrender seemed to demoralize everything. The governors of the trans-Mississippi states met with General Smith at Marshall, Texas, to discuss means for further resistance or terms of surrender—and did the latter. Meanwhile the surrender of Joseph E. Johnston had destroyed the last hope of prolonging the war with any chance of success. Then came the crash, the dissolution of the army. Beginning with the evacuation of Galveston on May 22, 1865, the troops of the various commands broke ranks, seized whatever government property they could find, and went home. Gen. E. Kirby Smith, left a commander without an army, surrendered on May 26 upon substantially the same terms as had been granted to Lee and Johnston.

For a time the greatest possible confusion prevailed throughout the state. Most of the higher officials, among them Generals Smith and Magruder and Governor Murrah, fled to Mexico. As it was known that the Federals would not recognize the

state authorities, all attempts at government ceased. The disbanded soldiers returning home swept on through the state pillaging government stores; the state treasury at Austin was looted; lawlessness and disorder of all sorts prevailed. Because of the scarcity of transports the Federal commander at New Orleans, General Canby, was not able at once to take possession of the state, and it was not until June 19 that Gen. Gordon Granger arrived at Galveston, proclaimed the freedom of slaves, declared all acts of the state government since secession illegal, and ordered all Confederate officers and soldiers to report for parole.

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Chapter V.

TEXAS IN THE NEW NATION, 1865-1909.

Reconstruction.

On June 17, 1865, President Johnson appointed Gen. A. J. Hamilton provisional governor of Texas. Hamilton, it will be remembered, had been prominent in Texas before the war, had remained faithful to the Union, had entered the Federal army, and had been made military governor of Texas in 1863 by Lincoln. He arrived in Texas late in July and set about organizing a government. All necessary offi-

cials of state, district and county were appointed—Unionists where possible, and when these were not available, capable secessionists. With the aid of the military, order was fairly well restored. Some difficulty was encountered in maintaining the independent jurisdiction of the provisional civil courts against the overshadowing authority of the military, and Hamilton did not, in fact, support them strenuously because he believed that the juries were generally not inclined to grant full justice to the freedmen and Unionists. Considerable dissatisfaction arose at the tendency of the negroes to abandon the farms and wander about the country in enjoyment of their new freedom, and there grew to be strong demand for compulsory labor under state supervision as the only salvation for the planting interests. The Freedmen's Bureau, organized for the protection of the ex-slaves, made its appearance in Texas late in the summer of 1865 under the direction of General Gregory, and applied itself to the problem of getting the negroes to work. It had little success until after Christmas, when the freedmen confidently expected a general division of property; but in the next spring its efforts met with better results.

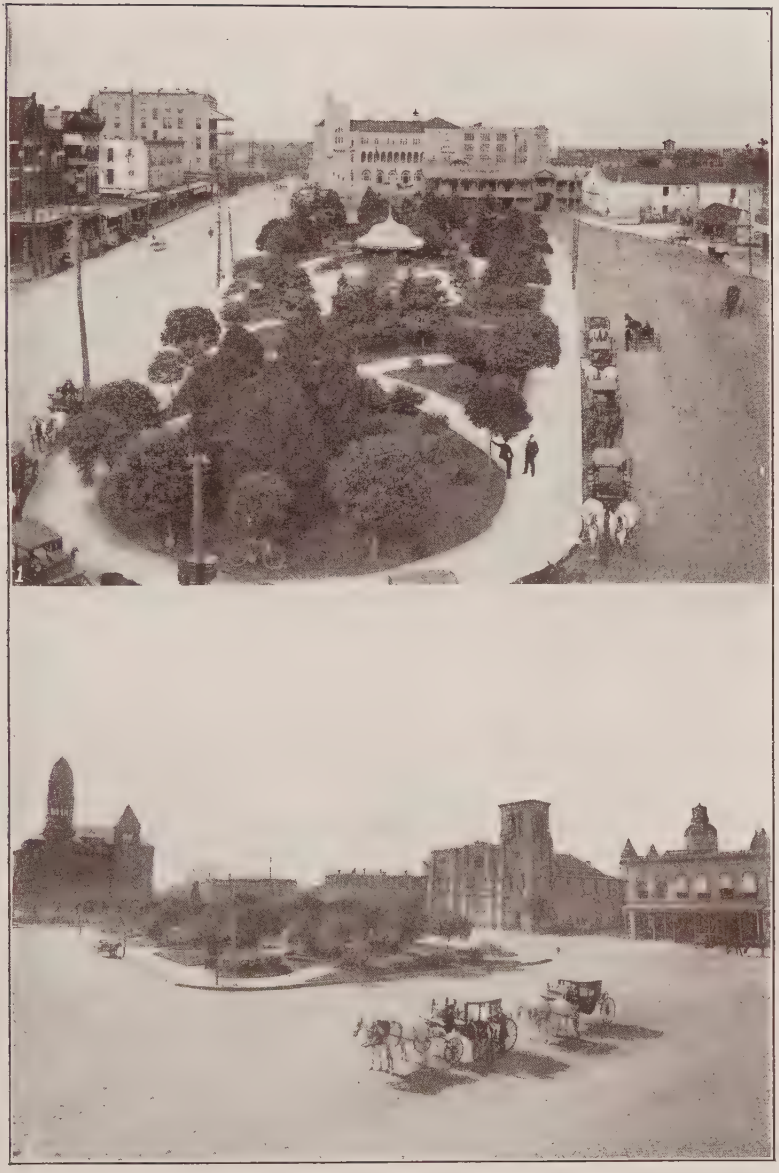
One of Governor Hamilton's chief duties was to call for a general convention elected by those persons who had taken the oath of allegiance to the United States government and of concurrence in the emancipation of slaves, as provided in the proclamation of general amnesty issued by the President. It was not until November 15 that he ordered the election for the convention. When this body met, Feb. 7, 1866, it was evident that the Unionists and original secessionists were each a strong minority and that the balance of power lay with a third group, the conservatives. After considerable discussion the secession ordinance was de-

clared null and void and the right to secede was disclaimed for the future. The war debt and that portion of the civil debt contracted during the war were repudiated, slavery was prohibited and most of the ordinary civil rights were conferred upon the freedmen. These important measures were not passed without heated debates, and long before the adjournment of the convention party lines became clearly distinguished. The radicals, as the Unionists came to be called, were defeated in most of their measures and therefore assailed the work of the convention. The conservatives and the original secessionists joined forces, and at the close of the session nominated for governor and lieutenant-governor, J. W. Throckmorton and George W. Jones. The radicals selected ex-Gov. E. M. Pease and L. Lindsey. Throckmorton had been a Union man and voted against the secession ordinance in 1861, but entered the Confederate army. The conservatives declared themselves in favor of President Johnson's policy of restoration for the Southern states, while the radicals were rapidly becoming identified with the hostile majority in Congress. Consequently they were defeated overwhelmingly, the Throckmorton ticket being elected by 49,277 votes to 12,168 for Pease.

The new state government was organized in August, 1866, and received the full recognition of the President, who, during the same month, issued his peace proclamation declaring the war at an end and that peace, order, tranquility and civil authority existed throughout the United States. The legislature found many duties awaiting it. Composed almost entirely of the party victorious in the late elections, it was unfortunately not always moved by a moderate spirit. As senators of the United States it elected O. M. Roberts, formerly an organizer of secession and president of the secession convention,

and Judge David G. Burnet, ex-president of the old Republic of Texas and later a secessionist. The men defeated were B. H. Epperson and John Hancock, both conservative Unionists. This action was generally regarded in the North as an attempt to perpetuate the principles of the "rebellion," and the senators-elect were not allowed even to enter the Senate lobby when they presented themselves at Washington. The legislature also provided for the election of representatives to the lower house of Congress. When elected, these "representatives of a sovereign state" enjoyed the same reception as was accorded the senators.

Congress had submitted to the several states the proposed Thirteenth and Fourteenth amendments to the Federal constitution, and the Texas legislature was required to take action on them. With regard to the former the issue was dodged by the plea that as the principle embodied had been adopted previously in the constitutional convention, and had already been ratified by the requisite three-fourths of the states, no action on the part of the legislature of Texas was necessary. The other amendment could not so easily be disposed of and was squarely rejected as being proposed by a Congress illegally constituted and as an arrogant invasion of the constitutional authority of the states. The most important matters of domestic interest taken up were those concerning the freedmen and labor. Three laws were passed on these subjects. The general apprenticeship law did not differ materially in form from those in force elsewhere. Any minor, with the consult of parent or guardian, could be bound out by the county judge until twenty-one years of age, unless sooner married. He was safeguarded against harsh treatment and was to be taught a trade. The vagrancy law was also similar to those in force in the



1. Alamo Plaza, San Antonio, looking toward scene of massacre, the mission on right and Federal building in background.

2. Main Plaza, San Fernando Cathedral and County Courthouse, San Antonio.

North. Neither of these laws made any distinction of color and neither was ever interfered with by the Freedmen's Bureau. The labor law was more stringent. It provided that "common laborers" should, when entering into contracts for labor for longer than one month, make them before magistrates or witnesses and that such contracts should be recorded. The laborers should have full liberty to choose employers, but should not leave the one contracted with on pain of forfeiture of all wages earned. Various safeguards and restrictions were thrown about the laborer. It was doubtless intended that a laborer failing to contract would be liable under the vagrancy law. And while this act was left universally applicable, it was clear enough that it was intended for the negroes alone, and was, in consequence, disregarded by order of the Bureau officials who refused to approve contracts made under its provisions. Still another law was enacted to punish any one enticing away an apprentice or a laborer working under a contract, or harboring a runaway.

Governor Throckmorton made it the chief task of his administration to get rid of the military forces still quartered in the state, and in order to effect this labored to put down lawlessness and give the full protection of the courts to all classes so that there might be no excuse for the presence of soldiers. This was a difficult task, for the population of Texas displayed all the turbulence of the frontier, and the war had brought to the surface all the rough and lawless elements. However, conditions were rapidly growing better when, by the famous Congressional Reconstruction Act of March 2, 1867, the Southern states were suddenly reduced once more to the basis of provisional organization and put completely under military rule.

It would be out of place here to discuss the unfortunate quarrel between President Johnson and the Congressional radicals culminating in the all but complete victory of the latter. Many of the Texas radicals had taken part in the contest to the extent of denouncing their opponents in the state as disloyal, rebellious, and persecuting Union men, all of which they attributed to the policy of the President. There seems to have been comparatively little foundation for the charges, but they were none the less effective. Throckmorton remained provisional governor for some months, but found it exceedingly difficult to administer the government both according to the wishes of the military commanders and his own conception of his duty under the laws of the state. Moreover, the radicals were clamoring for his removal.

On July 30, 1867, Sheridan, the district commander, issued an order removing Throckmorton as an "impediment to reconstruction," and appointed E. M. Pease in his place. Soon afterward the other state officials elected with Throckmorton were replaced with radicals. Pease began removing various county and district officers in the same manner. Sometimes the positions could not easily be refilled, and considerable confusion resulted. The "iron-clad" oath prescribed by act of Congress and applied by order of the military made it difficult to secure juries and hold courts. This, together with the bitterness aroused by the new situation, increased lawlessness and disorder; this again reacted upon and fed the fury of faction. The reconstruction acts had provided for a registration of voters, without restriction of color, and a vote for a convention. Only those who could take the test oath were eligible to vote. In hope of defeating the call for a new constitutional convention, many of the con-

servatives refrained from voting, but the ruse failed. The convention, composed chiefly of radical members, several being negroes, met in Austin June 1, 1868.

No sooner had the radicals secured control of the state than they fell out among themselves. The extreme party, headed by E. J. Davis and Morgan C. Hamilton, contended that all acts of the recent state government as well as of that existing under the Confederacy had been null and void *ab initio;* the moderates under the leadership of ex-Gov. A. J. Hamilton and Gov. E. M. Pease opposed the application of this doctrine as dangerous and contrary to public interest. The former also wished to disfranchise all persons participating in the "rebellion" and were opposed by the moderates. After two stormy sessions the latter party succeeded in getting through the convention a constitution in accord with the acts of Congress, but free of the harshest measures proposed by the Davis faction. The latter severely attacked the work of the convention and at first threatened to defeat the ratification of the constitution. Later they gave up that and each party put out a ticket, E. J. Davis and A. J. Hamilton becoming opposing candidates for governor. The conservatives presented no ticket, but most of them gave their support to Hamilton. In the meantime the district commander, Gen. J. J. Reynolds, had interested himself to such an extent in the success of the Davis faction that Governor Pease resigned. For nearly four months thereafter Texas had no governor, all the functions of that officer being in the hands of General Reynolds. In the election in November the constitution was ratified overwhelmingly, and the Davis ticket was declared by Reynolds to have received a majority of about 800 votes.*

*It was always asserted by friends of Governor Hamilton that he had really been elected, but had been counted out by General Reynolds, and that a political bargain to that end had been made between Reynolds and Davis.

Davis took the oath as governor on Jan. 17, 1870. The legislature met in February, adopted the Fourteenth and Fifteenth amendments to the Federal constitution, and elected as United States senators Morgan C. Hamilton and J. W. Flanagan. On March 30 the act of Congress readmitting Texas to the Union was approved by President Grant.

The next four years left a greater heritage of bitterness in Texas than any period of equal length in the history of the state. Governor Davis had been placed in power by the votes of negroes and extreme radicals; he regarded his administration as a continuation of the reconstruction of the state, and he had no confidence in the willingness of the whites to obey the laws and to recognize the rights of the freedmen. At his request the legislature passed acts organizing a state militia composed of all male inhabitants subject to military duty under the direct control of the governor, and established a "state police" to be in active service under the governor's orders. This last body was composed mostly of irresponsible whites and negroes, and did far more to create disturbances and provoke disorder than to secure quiet. The sheriffs, deputies and city police were everywhere required to coöperate with them under penalty of removal by the governor, who made frequent use of the power granted him to declare martial law and to try cases by military commission. Elections were held under surveillance of these negro police. The arbitrary and tyrannical powers assumed by Davis were enough to array against him the whole population of the state except that portion directly dependent upon him. In some respects his administration accomplished good. The foundation of a better school system was laid, and numerous public improvements attempted in the way of better roads, homestead laws, the encouragement

of railways and immigration. However, the finances of the state were handled in reckless fashion, and despite increased taxes a deficit was created that steadily grew into a debt of $4,500,000. The thirteenth legislature, elected in 1872, was Democratic—for the reaction against the Republicans had already set in—and managed to remedy some of the evils, but little could be done under the existing administration. In the election of 1873 Davis made desperate efforts to secure his reëlection; but against him were arrayed not only the solid body of Democrats, but many of his quondam Republican allies whom he had alienated by his headstrong course. He was defeated by Richard Coke, the Democratic candidate, by 85,549 votes to 42,633. Davis then endeavored to have the election declared null and void, and secured a decision to that effect from the supreme court, appointed by himself. It was disregarded, and after a futile effort to secure the aid of the National government in prolonging his term, he was forced to give way Jan. 17, 1874. The last days of his incumbency were marked by great excitement. Crowds of determined men gathered in Austin in anticipation of armed resistance by Davis and his followers, and only the most careful management prevented bloodshed. Now that the choice of the majority of the people had securely assumed the executive office every true citizen felt relieved. Texas was once more in the hands of her own people.

The political history of Texas since the close of Reconstruction has been essentially that of one party, and while it is not devoid of interest, the student of this recent period finds far more attractive matter in tracing the social and material development of the mighty young commonwealth.

Industries Old and New.

The situation of Texas far to the southwest, closely allied in some respects to the older South, in others to the vigorous new West, a close neighbor of Mexico, and yet with an individuality all her own, her vast extent of territory comprising an almost infinite variety of soil, climate and natural resources, rendered it inevitable that when she should come into her proper inheritance she would find herself one of the richest and most happily situated of the states of the Union.

The first industry to attain importance in Texas was stock raising. The vast prairies afforded pasturage for countless herds of cattle, horses and sheep in the days when wire fences were unknown and grass was free to all. In the earlier days this occupation was almost universal, for cattle could be taken to market more easily than the products of the farm. Only those sections of the state given over to Indians were free from the cattle ranches. A ranch, comprising the headquarters of the owner and the "range" over which his cattle drifted, might be of any size and was wholly unfenced. The land might belong to the owner of the cattle, but was more often public land upon which he had temporarily squatted or which he had leased at a very low rate from the state. Land was so very cheap that it could easily be bought, but usually no one cared to do that. Pasturage being practically free, little attention was paid to the quality of stock. The lean, muscular, long-horned variety was the standard among cattle; most of the horses were small, wiry mustangs, and the sheep were Mexican, with coarse flesh and little wool. The markets for cattle were in the North, and before the railroads came, beeves were driven over "the long trail" through the Indian Territory to Kansas and Missouri, and

thence shipped to Chicago and other points. Wool was carried on wagons to the coast to be shipped to eastern markets.

This system lasted for several years after the close of the War of Secession, but in the early 80's a change began. The westward sweep of population had greatly increased the number of tilled farms, and decreased in proportion the amount of pasturage; lands were rising in value and being cut up into smaller tracts, and large amounts of public lands were being taken up by homesteaders. More than this, barbed wire had been introduced, and with this cheap fencing material it was possible for private or leased lands to be reserved for the owner or lessee. Free pasturage almost disappeared, and except in the extreme west the pasture ranch became the type. While some of these were larger than an ordinary county, the tendency was for them to grow smaller, and in many cases they became stock-farms where feed was grown to supplement the pasturage. As this could not prove profitable with stock of poor quality, improved breeds were introduced. Heavy beef cattle supplanted the "long-horns," dairy cows became common, the mustang was bred into a larger and stronger horse, Merinos and Shropshires replaced the old Mexican sheep, and the "razor back" hog, lean and athletic as a deer and voracious beyond belief, gave way to the stocky, heavy and quickly-grown breeds. With the coming of the railroads from the North the markets came into closer reach, the long trail was abandoned and prices became more uniform. Within the last decade large packing houses at Fort Worth and Dallas have furnished Texas markets with meat products of all sorts from Texas stock-farms. If the transformation of the picturesque cowboy into the commonplace farmhand

has destroyed the romance of the frontier, it has nevertheless produced better meat, and it has increased enormously the annual output of wealth in the state. In connection with the stock-farms should be mentioned the dairy industry which is now undergoing rapid development.

But stock-raising, important as it still is, has long since yielded first place to farming. The big plantation as it existed in the old slave system never took possession of a very large part of Texas. It was confined from the first to the river bottom lands of the eastern and southeastern sections. There, in a modified form, it still exists—large farms worked for the most part by negroes who are "furnished" by the landlord and allowed half of the crop. The system is generally wasteful and the crop less than it should be, for the average negro is lazy and unintelligent; but as white men usually find the bottoms unhealthful, the black man is allowed to monopolize them. Aside from these "plantations" farming interests have shown the same development that is seen in other activities. Better breeds of stock, better tools, better seed and improved methods of cultivation have worked great changes. More and more land has been brought under tillage until the greater part of the state is like one vast farm. The almost desert-like regions along the Rio Grande, the dense thickets and pine woods of east Texas, the humid, low-lying coast lands, the high, cool, windswept plains of the panhandle, and the thick, rich, black-waxy soil of central Texas insure the greatest possible variety of farm products. It had been said that Texas grows everything in field, orchard or garden that will grow in any other state in the Union. The chief crop is, of course, cotton, in which Texas far exceeds any other state, her average yield being nearly 4,000,000 bales. Vast quantities of

A TYPICAL SOUTHERN SCENE

corn are grown in all parts except in the extreme west and south. Near the coast large tracts are planted in rice. Wheat, oats, milo-maize, cane, hay and other forage crops are produced in profusion. Not only have more and more varieties of farm products been added to the list, but the yield per acre has shown a gratifying increase under improved methods of cultivation. The most serious obstacle to progressive farming is, perhaps, the tenant system, so prevalent in the black-land cotton districts. The tenant, working usually for a part of the crop and moving about once in every two or three years, does little or nothing to conserve the fruitfulness of the soil, while the landlord does no more to keep the houses, barns and fences in proper repair.

It is only within the last ten or twelve years that extensive development has begun in horticulture and truck-gardening. In the sandy regions of eastern Texas peach-growing has proved immensely profitable, while melons, tomatoes, potatoes, berries and other fruits do wonderfully well. On the coast, in the neighborhood of Galveston and below it, strawberries, figs, oranges and practically all vegetables are grown in immense quantities. In the valley of the lower Rio Grande during the last few years similar developments have been wrought, while in the irrigated valleys of the west all varieties of the finest grapes are produced in profusion. Most of these products find markets in the North or the large cities of the West. The chief difficulties in the path of this new industry have been in the lack of proper methods of marketing. With the increase of railroad feeding lines and the placing of legal safeguards upon handling in transit, the first obstacle has been materially reduced, while the organization of business-like associations among the growers for the marketing of

their produce has saved the expense of the middleman and rescued them from the thraldom of the commission merchant. Still in its infancy, this industry promises abundant growth.

The lumber industry has of late years become the most important one of eastern Texas. The pine and hardwood forests there are the most extensive of any Southern state, and immense quantities of lumber are shipped to Mexico and all parts of the Union, especially into the Mississippi Valley region. Some of the lumber companies are taking precautions against the complete denudation of their forest lands.

Texas is rich in minerals, but mining has not yet become a prominent industry. In the Llano country in the central part of the state are found deposits of iron-ore reputed the finest in America. Small quantities of gold and silver are present in the same region. Iron is also plentiful in east Texas in the vicinity of Rusk. The chief obstacles to the development of iron mines have been the absence of coal for smelting and the expense of transporting fuel from elsewhere. How long this immense wealth will lie undeveloped cannot easily be foreseen. Good bituminous coal is found in Texas, the chief deposits being in the northern counties to the west of Fort Worth. In other places deposits of lignite are mined. In the far west, in Brewster county, great quantities of quicksilver have been found and extensive mines are in operation there. But the most conspicuous mineral product of the state is petroleum. The discovery of the immense fields of oil at Beaumont in 1901 first drew attention to this vast storehouse of nature, and since that time oil has been found in various parts of east Texas and also in the northern, central and western counties.* To

*There were oil wells at Corsicana in central Texas long before the Beaumont "gushers" came into existence, but though profitable they were weak when compared with the latter.

indicate the variety and richness of the virgin resources of the state it is necessary only to mention other natural deposits of various kinds, such as granite, marble, limestone, fuller's earth, potter's clay, salt, gypsum, sulphur and numbers of other minerals, many of which are to be found in vast quantities and few of which have begun to be extensively mined or quarried.

In manufacturing, Texas is apparently only making a beginning. Although producing nearly one-fourth of the world's cotton, she has very few cotton mills, and these turn out only coarse cloth. There are hundreds of cotton-seed-oil mills, but the crude product is usually refined elsewhere. Nor has Texas any great iron works, though there are several new foundries of fair size in the larger towns. In Texas, as in all young countries where land is cheap and labor high, it would be impossible to procure factory labor as cheap as that of the New England cotton mills, and not until the price of land shall have risen far beyond its present mark and the urban population is relatively much greater than at this time is it likely that Texas will rank high as a manufacturing state.

Population.

The people of early Texas were of the hardy, adventurous type that always seeks the frontier. Rough and lawless though many of them were, they were still the sort to conquer the wilderness, drive back the prowling Indian and prepare the way for the softer civilization of to-day. Despite representations to the contrary, most of them were not refugees from the criminal laws of the United States. A large percentage was well educated, even college bred, and they were attracted by the apparently boundless opportunities afforded by a rich and virgin country. The greater part of them came from

neighboring Southern states, but all parts of the Union were represented.

In 1836 the total population of the new republic, including Anglo-Americans, Mexicans and negroes, was estimated at less than 40,000. Immigration, however, set in immediately, and in 1850 the population had risen to 212,592. Ten years later it had reached over 604,000. Immigrants from across the sea had joined those from the older states. The southwest and parts of the south were being filled with Germans, while a large colony of Scandinavians had settled in central Texas. Nearly every nation of Europe was represented. The War of Secession and the disturbances of the Reconstruction period arrested immigration, but even before conditions were fairly quiet the ceaseless flow began once more. In 1870 there were 818,000 people in Texas; by 1880 the number was nearly double—1,519,700. The Indians had been expelled from the west, railroads were penetrating to all parts of the interior, and in 1890 the population had increased to 2,235,500. The farmer was gradually encroaching upon the great ranches of the west, and in 1900 Texas ranked sixth among the states with 3,048,000. Since that date the tide of immigration has been greater than ever. Whole districts, comprising several counties, have been covered with farms and houses as if by magic. It is believed that in 1910 there will be nearly 5,000,000 inhabitants in Texas. The character of this incoming population is of the best. Most are from the older states, farmers who have sold their high-priced lands and seek cheaper homes in a milder climate and more fruitful soil. Many, however, are from Europe. Galveston has recently become an immigrant station, and through it thousands of foreigners, chiefly Germans and Italians, are pouring into Texas. A large proportion of

these, especially the Germans, bring money and buy land, and it is a well-known fact that nine-tenths of these Europeans, no matter what the nationality, become landowners within five to eight years. A far less desirable class of immigrants are the Mexicans, who come in great numbers from across the Rio Grande and drift about the country as day laborers. They rarely buy homes and are almost impervious to American civilization. There is some negro immigration to Texas, but it is inconsiderable. During the decade preceding 1900 the total colored population increased 25 per cent., while the white population increased 39 per cent. The proportion of blacks in the total number of inhabitants decreased from 21.8 per cent. to 20.4 per cent. The census of 1910 will undoubtedly show a still further lowering of the percentage of colored inhabitants.

The great bulk of the population of Texas is, and for a long time will be, rural. In 1890 only 13 per cent. was gathered into towns of more than 4,000 inhabitants, and ten years later that portion had increased to only 14.9 per cent. Of the actual increase during that time 75 per cent. had gone to the country. According to the census of 1900 there was but one city, San Antonio, with 50,000 inhabitants, and but thirty-six towns with 4,000. But with the extension of railroads, the multiplication of farms and the rapid expansion of trade since that date, more than a score of towns have sprung into the 4,000 class, while at least three, San Antonio, Houston and Dallas, are close to the 100,000 mark.

Lands.

The rapid increase of land values is a phenomenon common to the West and not unfamiliar in most parts of the United States; but in Texas it especially deserves notice as a reflection of the many-sided

development of the state. When the War of Secession ceased the best of the black-land belt in central Texas could have been bought easily for fifty cents per acre. Ten years later the price had advanced comparatively little. During the next decade values started upward, yet twenty-five years ago the best of farm lands in that region could have been bought at ten to fifteen dollars per acre. Ten years ago the average valuation was thirty to thirty-five dollars in the vicinity of railroads, and in 1907 it would have been difficult to buy the same land at seventy dollars per acre, while it often sold for more. In some sections of east Texas in the sandy country prices are much lower; in the west and south they are still about one-third to one-half as much as in the black-land districts, though values have been going up rapidly in those sections within the last five years. All parts of Texas have felt the impulse, though unevenly. The causes of this development are not difficult to discover. Increase of population, immigration, and the consequent need for more lands, the gradual absorption of uncultivated lands into the farms, the extension and multiplication of railroads, and as a resultant better and more accessible markets; all of these helped to accelerate the natural growth of values. New crops came into notice, and regions before regarded as unfit for older forms of agriculture suddenly acquired a new and peculiar importance. Thus it was with the peach and tobacco lands of east Texas, the cotton-growing parts of the west, and the rice and orange districts in the southeast. Moreover, the unusual prosperity of the past few years has sent heavy sums, especially the profits of farms, seeking investment in real estate—a familiar and favorite form of property with farmers. In some sections of the state—it might almost be said in all sections—real estate

values increased within the two years ending Oct. 1, 1907, from 50 to over 100 per cent. Nor has the more recent spasm of hard times succeeded in breaking down prices to any appreciable extent. On the contrary, a great deal of money, hastily withdrawn from more hazardous enterprises, has been put into lands as a result of the panic. It is not likely that land in Texas will ever be very much cheaper than it now is.

Even the briefest discussion of lands in Texas could not omit mention of the state's public domain, yet this subject is one of such vast proportions and such intricacy of detail that only the most meagre account is possible here. The total area claimed by the Republic of Texas after 1836 comprised about 390,000 square miles. Of this approximately 125,000 square miles was sold to the United States by the compromise of 1850. Of the remaining 167,000,000 acres now constituting the state of Texas, about 25,000,000 acres had been appropriated before the revolution under old Spanish, Mexican and colonial grants. Subsequent grants made under laws providing for bounties, donations, headrights, preemptions, homesteads and sales have amounted to about 56,000,000 acres more. The remainder, about 85,000,000 acres, has been appropriated for schools and the promotion of internal improvements. Only this last class will be considered here.

It is highly creditable to the founders of the Republic that they were careful to provide that some part of the landed wealth of Texas should be devoted to the education of her youth. By acts of Congress in 1839 and 1840 each county was given four leagues of public land, or 17,713 acres, for the maintenance of its schools. At the same time fifty leagues were to be set aside as university lands, but these were not located until after 1856. In 1858 additional land,

one-tenth of railroad surveys reserved to the state, was granted to the university's endowment; but by the constitution adopted in 1876 this last grant was revoked and 1,000,000 acres elsewhere substituted for it. In 1873 and 1874 one-half of all lands not otherwise appropriated was reserved to the general public school fund. With the one exception stated above, each new constitution has respected and maintained all previous grants of land for educational purposes. Since the close of the War of Secession the lands thus appropriated have been put on the market for sale to actual settlers, and the proceeds therefrom have been invested in state, county or municipal bonds as part of the permanent school fund. The amount of public lands devoted to school purposes, including 400,000 acres granted to various asylums, approximates 45,111,000 acres. The greater part of this has been sold.*

The policy of the state in promoting internal improvements by the use of public lands is an important feature of her economic history. The first general law dealing with land subsidies for railroads was passed in 1854, and formulated the plan for all subsequent legislation on that subject. It provided, in brief, that for every twenty-five miles of railroad built and put into operation within the state the railroad company should survey 800 sections of public land, the alternate sections of which were to be reserved to the state, the others to be given the company on condition that said lands be alienated within twelve years on pain of forfeiture. The act was to remain in force for only ten years. It will be seen that one of the prime objects in view was to promote immigration by compelling the railroads to sell their lands. By later acts the time for com-

*For a brief but comprehensive account of land legislation with regard to public schools, see Wooten: *Comprehensive History of Texas* (Vol. I., pp. 835–843); also Lane: *History of Education in Texas* (pp. 24–44, 123 ff.).

pliance with the law was extended, and before 1861 several million acres had been appropriated in this manner. By the close of the Reconstruction period railroad building was vigorously renewed. A constitutional amendment in 1873 allowed a donation of twenty sections to the mile, and acts of the next two years granted extension of time for completing roads actually under construction. By the constitution adopted in 1876 not more than sixteen sections per mile can be donated. In 1882 the legislature repealed all laws and parts of laws granting land or land certificates to any person, firm, corporation or company for the construction of railroads, canals and ditches, and thus ended the long list of state donations to these enterprises. The wisdom of the policy had often been called in question, and it seems certain that in some individual cases the grants were ill-advised. However, the coming of the railroads was hastened, and they have played an immense part in the development of the state. The total amount of land granted to railroad companies in this manner was nearly 35,000,000 acres. In the matter of grants made for other forms of internal improvements, the advantages to the people are far less obvious. Approximately 5,000,000 acres have been given away on various navigation and irrigation enterprises, nearly all of which have proven valueless. The greater part of these grants for the dredging and widening of rivers wholly impossible of profitable navigation were made in 1874 and 1875, when it was the boast of the government that the extravagancies of reconstruction were being retrenched. Texas is now shorn absolutely of her public domain. There has been some extravagance in the disposal of it; there has been, without a doubt, some fraud; but by far the greater part has been used wisely for the upbuilding of the state.

Railroads.

The story of the disposition of public lands leads, naturally, to some account of the railroad industry in Texas. The first railroad constructed in Texas was the Galveston, Harrisburg and San Antonio, organized in 1853, and running from Harrisburg twenty miles to Stafford's Point. During the next year the Houston and Texas Central was begun. These were extended gradually, and before 1861 others were under way. At the beginning of the war there were about 300 miles in operation in detached sections. Only thirty-five miles were built during the war, but by 1870 the total had reached 711 miles. Soon after this the return of prosperity and political security and the liberality of the state in land subsidies combined to induce a rapid expansion of railroads. By 1880 there were 3,293 miles of road. Immigrants were pouring in, the west was settling up, new trunk lines and feeders were projected despite the repeal of the laws granting land subsidies in 1882, and in 1890 the mileage had increased to 8,709. In the later 80's the sharp competition between lines, subsequent pooling and combinations, and unjust or arbitrary discriminations in rates led to bitter agitation, especially among the farmers against the roads. The Granger movement and the Farmers' Alliance were both directed against what they believed to be wicked oppression by the lords of transportation. During the years 1886 to 1890 Atty.-Gen. James S. Hogg had brought suit against and vigorously prosecuted various roads for alleged discriminations, pooling, over-capitalization, and for the recovery of lands alleged to have been obtained illegally. His course precipitated wide agitation, and his demand for some form of state control over railroad corporations carried him into the governorship in 1890.

In the election an amendment was adopted by a vote of nearly three to one providing for the creation of a railroad commission. By legislative enactment during the next spring a commission of three persons was created with powers to hear and adjudge complaints made by either party in controversies about the business of the roads and to fix rates subject to an appeal to the courts of the state under prescribed regulations. From time to time other acts have been passed increasing or more accurately defining the powers of the commission, and further limiting and bringing under the control of the state railroads, express companies and other common carriers. Owing partly to the restrictions of the laws, but more to the financial crisis of 1893 to 1896, the mileage of the roads increased more slowly during the decade after the establishment of the commission. Yet, in 1900, there was a total of 11,546.4 miles in operation. Since then it has increased even more rapidly, there being on June 30, 1907, an aggregate of 15,482 miles, a total far greater than is now shown by any other state.

It is hardly possible that the unprejudiced student of railroad history in Texas since 1890 will call in question the wisdom of the measure creating the commission. It has amply justified itself, for while not all problems have been solved, conditions are much more sane and more satisfactory than before. Much is said these days of the hostility of Texas to capital, and especially foreign capital, and the efforts of the legislature to place a larger share of the burdens of taxation upon the railroads is cited as an example of this hostility. It may frequently happen that ignorance of railroad economics and doubtful notions of political expediency are responsible for imperfections in laws for the regulation of these public service corporations, but it is

assuredly untrue that the people of the state are hostile to railroads or other forms of corporate wealth *per se*. On the contrary the people of Texas desire more railroads and more investments of capital within the state because they are mighty factors of progress, but the people are determined that these corporations shall give due return for the wealth they are allowed to acquire, and that they shall never become independent of the public interest.

Constitutional Government.

A detailed description of the constitutional government of Texas will not be given here, because it would prove but a dull repetition of many features familiar to citizens of all other states. Yet there are some peculiarities of law and government that require at least passing notice, for the history of the state has left deep marks upon both. Early Texas was the meeting ground of the Roman civil law, as modified in Spain and Mexico, and the English common law, the heritage of the Anglo-Americans. In the system of jurisprudence built up under the Republic and the state, many features of the former were retained. Thus, laws governing lands and land titles and laws of married persons were left essentially unchanged. The civil law rules of pleading were retained, as was the identity of procedure in law and equity, the common law distinction between them being rejected. In other respects, as trial by jury, the common law was accepted as the basis. This compromise has given Texas jurisprudence a great advantage over that of the older states. The homestead law, for the protection of the families of debtors, also belongs to that period and was original in Texas. It has since been adopted in some form in practically every state in the Union. None of these principles or laws have been lost

through all the vicissitudes of legislation and of constitutional changes since that time.

The present constitution was adopted in 1876, just after the close of Reconstruction, and bears evidence of the experiences of that trying epoch. In general, two aims are apparent throughout: first, to prevent concentration of power in the officials of the state, particularly in the governor, and correspondingly, to keep all officers under the close control of the people; and secondly, to maintain economy in the government. These principles can best be illustrated by reference to each of the branches of government, a division familiar in all the states. The governor is not the sole executive, nor is he responsible in any way for any policies of administration outside of the sphere left him. The comptroller, treasurer, attorney-general, commissioner of the general land office and superintendent of public instruction are all elective and are independent of his control, except in certain matters in which there is joint action. The secretary of state, the commissioner of insurance and banking, the adjutant-general, the state health officer, the state revenue agent and the state purchasing agent are appointive, as are the heads of the various state eleemosynary institutions. Most of these appointive positions have been created since the adoption of the constitution. Fear of concentrated authority dictated the distribution of executive power among so many heads, a fear based upon the old hostility of the union of "the sword and the purse," and reinforced more lately by the almost autocratic authority assumed by Gov. E. J. Davis. The result, however, has been a lack of coördination and sometimes of harmony among officials whose duties lie close together, and an absence of tangible responsibility that has not been for the best interests of the people. The sal-

aries of these officials are uniformly low, and it has proven well-nigh impossible to have them raised to an adequate amount. As a matter of economy this policy has assuredly been of doubtful value.

The same general observations apply to the legislature. The chief things to be noted are the restrictions upon its power. In addition to the general guarantees in the bill of rights a number of negative provisions were inserted to guard more effectually the liberties of the people. A series of clauses greatly restricts the power of the legislature over taxation and appropriations, and an important one is that which allows the governor to veto separate items in appropriation bills. The constitution has frequently been criticized as containing a large amount of statute law, since many provisions, especially those of a restrictive character, concern matters usually open to general legislation. Texas is even more niggardly in the payment of salaries to her legislators than to other public officers. They receive five dollars per day for sixty days and then two dollars per day, but in special session they receive five dollars. The low pay has had a tendency to keep the ablest men out of the legislature, while those who go for the sake of the salary have shown a ready disposition to adjourn at the end of sixty days in order to be called in extra session to attend to unfinished business.

The judicial department embraces justice, county, district and appellate courts, and a supreme court, each with appropriate fields of jurisdiction. All positions are elective, the purpose being to keep them responsible to the people directly instead of to the governor. The faults of a system in which judicial position must depend upon political acumen and power are easily apparent, but it cannot be said that it has worked very badly in Texas. The

railroad commission, which is partly judicial and partly legislative, may be assigned to this branch of government, but its powers have already been stated.

Little or nothing need be said about the ordinary county and municipal systems of government, except that they are essentially the same as exist in the older states of the South. Public notice has been widely attracted to the new "commission plan" of municipal government, first devised at Galveston as a result of the crisis produced by the terrible storm of 1900. The "Galveston idea" was simply to elect from the city at large a small number of men who would take entire charge of the administration. This did away with obscure ward bosses and aldermen, those old plagues of city government, and tended to the selection of men of general prominence and ability. The plan has been followed with modifications in a number of other cities both in Texas and in other parts of the Union and with general satisfaction. It seems, therefore, that Texas is to give to the world another advanced principle of government.

Educational System and Social Conditions.

Something has already been said of the endowments in public land provided for the schools of Texas by the founders of the Republic and the state. Little was realized from these lands in the early days, and such schools as were in existence were supported chiefly by taxation. The first regular system of public free schools began in 1854. The office of state superintendent was created in 1866. Since that time the office has several times been abolished and reëstablished, but it has now become a permanent part of the state administration. Normal schools for the training of teachers, high schools and

colleges have been added gradually until there is something like a systematic arrangement of public schools.

The present system may be outlined briefly. At its head stands the University of Texas, organized in 1883, located at Austin, with the medical department at Galveston, having a teaching force of 150 and a total enrollment of over 2,500 students of both sexes. Its highest governing body is a board of regents appointed by the governor. The regents select the president of the university and with his advice the professors and instructors. Neither the university nor any of its officers have control over the schools of lower grade, except in so far as it establishes a standard of preparation for the admission of its students. The university is supported by the income from its lands and notes to the amount of about $100,000, and by appropriations from the legislature, an amount that is variable but never excessive. Despite handicaps, it is growing in power, civic usefulness and sound scholarship.

Next to the university stands the Agricultural and Mechanical College, organized in 1876 and located near Bryan. It has an enrollment of about 600 men, and is doing work of the highest grade in fitting them for scientific farming, stock-raising, engineering and the mechanical industries. It is supported chiefly by legislative appropriations and receives from the United States an annual appropriation of $25,000 for the teaching of agriculture and the mechanic arts. An experiment station connected with the college is also supported by the Federal government. The governing body of the college is a board of directors appointed by the governor. At Prairie View is the Normal and Industrial College for colored youths. It is under the management of the board of directors of the Agricultural and Mechan-

ical College. The state now supports three normal schools for teachers—at Huntsville, Denton and San Marcos. There is also at Denton the Industrial Institute and College for girls. There are a number of schools maintained for the unfortunates of the state, at Austin the Institute for the Blind, the Deaf and Dumb Institute, and at Corsicana the State Orphans' Home. The support accorded these is fairly liberal and they are rapidly growing in usefulness.

High schools are to be found in practically every town and are growing with astonishing rapidity in number, attendance of pupils and efficiency of work. About 140 are affiliated with the University of Texas, their graduates being admitted to the latter without examination, and more are being added to the list every year despite the constant raising of the standard of work. They are supported in the same way as the schools of lower grade in their districts, partly by the income from the state school fund, mostly by local taxation. These lower grade schools are of two kinds, those depending wholly upon the revenue from the general school fund and those in "independent" districts organized for the levying of a special tax. The former are country schools and usually run only about three to four months in the year. The self-taxing districts are both in the country and the towns, yet a distinction, enforced by the present law, exists between these two. While the incorporated towns may levy a tax of five-tenths per cent., the districts not so incorporated or incorporated only as school districts can levy only two-tenths of one per cent. on the valuation of property. An injustice is thereby worked upon the country child whose school term averages less than six months while that of the more favored runs nine months. Effort is being made to blot out

this distinction, and the next two years will probably see it accomplished.

Any consideration of the educational system of Texas would be incomplete without some reference to the work of the numerous and influential denominational and private schools, some of which antedate the first public school. Limitations of space, however, forbid more than a mere enumeration here. Baylor University at Waco, founded in 1845 as a small Baptist college at Independence, Washington county, is the oldest and largest. It is under the control of the Baptist Church. Next to Baylor in size is the Southwestern University at Georgetown, located there in 1873 by the Methodist Episcopal Church, South, after futile efforts to maintain a school elsewhere. The Christian Church maintains the Texas Christian University at Waco, the Presbyterians Trinity University at Waxahacie and Daniel Baker College at Brownwood. The Catholics have a half dozen schools, the largest being St. Edward's College at Austin. There are fully two score or more of church and private schools, some of college grade. The work they have done and are doing for Texas is attested by their thousands of ex-students, who form a part of the most influential citizenship of the state.

One may say that the educational interests of Texas are being well looked after. Much remains to be done, for schools are costly necessities and money is never easy to obtain. However, the Texas State Teachers' Association and the Conference for Education in Texas, comprising both teachers and laymen, are doing much effective work to this end.

Her schools and churches and her new industrial opportunities have wrought great changes in Texas within the past quarter of a century. She has ceased to be a frontier state and has become agricultural

with a law-abiding and fairly homogeneous population. Some good people in the East still insist that every Texan carries a deadly six-shooter and revels in "fire-water." Homicides are decreasing in Texas year by year, stringent laws forbid the carrying of concealed weapons and restrict the sale of them. Saloons are rapidly disappearing under the operation of the local option law. Three-fourths of Texas is "dry." A proposition for state prohibition was endorsed in the summer of 1908 by a majority of more than three thousand votes, and almost the sole argument against it was that the local option system would be more effective in the long run. These are cited only as indications of the trend of things in Texas. She is looking to the future with the confidence of vigorous youth.

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AMENDMENTS TO THE UNITED STATES CONSTITUTION

CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA

PROCLAMATION OF EMANCIPATION

DECLARATION OF INDEPENDENCE

KNIGHTS OF THE WHITE CAMELIA

KUKLUX KLAN

UNION LEAGUE OF AMERICA

GOVERNORS OF THE SOUTHERN STATES

AMENDMENTS TO U. S. CONSTITUTION.

THE THIRTEENTH, FOURTEENTH AND FIFTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons of each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a senator or representative in Congress or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.*

We, the People of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent Federal Government, establish Justice, insure domestic Tranquillity and secure the Blessings of Liberty to ourselves and our Posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

ARTICLE I.

Section I.

All legislative powers herein delegated, shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

Section II.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall be citizens of the Confederate States, and have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or federal.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and be a citizen of the Confederate States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Confederacy, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three Years after the first Meeting of the Congress of the Confederate States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every fifty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six, the State of Georgia ten, the State of Alabama nine, the State of Florida two, the State of Mississippi seven, the State of Louisiana six, and the State of Texas six.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment; except that any judicial or other federal officer resident and acting solely within

*In framing the Constitution of the Confederate States, the authors adopted, with numerous elisions and additions, the language of the Constitution of the United States, and followed the same order of arrangement of articles and sections.

the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

SECTION III.

The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the Fourth year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No person shall be a Senator who shall not have attained the Age of thirty Years, and be a citizen of the Confederate States, and who shall not, when elected be an inhabitant of the State for which he shall be chosen.

The Vice President of the Confederate States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the Confederate States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the Confederate States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION IV.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may at any time by law make or alter such Regulations, except as to the times and places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION V.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of Absent Members, in such Manner, and under such Penalties as each House may Provide.

Each House shall determine the Rules of its Proceedings, punish its

Members for disorderly Behaviour, and, with the Concurrence of two-thirds of the whole number, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one-fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section VI.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the Confederate States. They shall in all Cases, except Treason, Felony and Breach of Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the Confederate States, which have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the Confederate States, shall be a Member of either House during his Continuance in office. But Congress may, by law, grant to the principal officer in each of the executive departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

Section VII.

All Bills for raising the Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments, as on other Bills.

Every Bill which shall have passed both Houses, shall, before it becomes a Law, be presented to the President of the Confederate States; If he approve he shall sign it, but if not he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration, two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its return, in which Case it shall not be a Law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriation disapproved, and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

Every Order, Resolution, or Vote to which the Concurrence of both Houses may be necessary (except on a question of Adjournment), shall be presented to the President of the Confederate States; and before the Same shall take Effect, shall be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION VIII.

The Congress shall have Power

To lay and collect Taxes, Duties, Imposts and Excises, for revenue necessary to pay the Debts, provide for the common Defence, and carry on the government of the Confederate States; but no bounties shall be granted from the treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry and all Duties, Imposts and Excises shall be uniform throughout the Confederate States.

To borrow Money on the credit of the Confederate States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; but neither this, nor any other clause contained in this Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstruction in river navigation, in all which cases such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof.

To establish uniform laws of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the Confederate States;

To establish Post Offices and post routes; but the expenses of the Postoffice Department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenue;

To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Confederate States, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such part of them as may be employed in the Service of

the Confederate States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of one or more States, and the Acceptance of Congress, become the Seat of the Government of the Confederate States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the Confederate States, or in any Department or Officer thereof.

Section IX.

The importation of negroes of the African race from any foreign country other than the slaveholding States or territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or territory not belonging to, this Confederacy.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder, ex post facto Law, or law denying or impairing the right of property in negro slaves, shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State, except by a vote of two-thirds of both Houses.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Congress shall appropriate no money from the Treasury, except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been officially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

All bills appropriating money shall specify, in Federal currency, the exact amount of each appropriation, and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered.

No Title of Nobility shall be granted by the Confederate States; and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and petition the Government for a redress of grievances.*

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the Confederacy, than according to the rules of the common law.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Every law, or resolution having the force of law, shall relate to but one subject and that shall be expressed in the title.

Section X.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, or ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the Confederate States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty on Tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not

*This and the following seven paragraphs are Amendments Nos. 1 to 8 inclusive, United States Constitution.

conflict with any treaties of the Confederate States with foreign nations; and any surplus of revenue thus derived shall, after making such improvement, be paid into the common treasury; nor shall any State keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II.

Section I.

The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and the Vice-President shall be elected as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the Confederate States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the Confederate States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.*

*This paragraph is identical with the Twelfth Amendment to the United States Constitution.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the Confederate States.

No Person except a natural born Citizen of the Confederate States, or a citizen thereof at the time of the Adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen years a Resident within the limits of the Confederate States, as they may exist at the time of his election.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice-President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice-President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the Confederate States, or any of them.

Before he enters on the Execution of his Office, he shall take the following oath or affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the Confederate States of America, and will to the best of my Ability, preserve, protect and defend the Constitution thereof."

Section II.

The President shall be Commander in Chief of the Army and Navy of the Confederate States, and of the Militia of the several States, when called into the actual Service of the Confederate States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the Confederacy, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the Confederate States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. The principal officer in each of the executive departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the executive department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

The President shall have Power to fill up all vacancies that may happen during the Recess of the Senate, by granting Commissions which

shall expire at the End of their next Session. But no person rejected by the Senate shall be re-appointed to the same office during their ensuing recess.

SECTION III.

The President shall from time to time give to the Congress Information of the State of the Confederacy, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the Confederate States.

SECTION IV.

The President, Vice President and all civil Officers of the Confederate States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION I.

The judicial Power of the Confederate States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

SECTION II.

The judicial Power shall extend to all cases arising under this Constitution, the Laws of the Confederate States, and Treaties made, or which shall be made, under their Authority;—to all cases affecting Ambassadors, other public Ministers, and Consuls;—to all cases of admiralty and maritime Jurisdiction;—to Controversies to which the Confederate States shall be a Party;—to Controversies between two or more States; —between a State and Citizens of another State where the State is Plaintiff;—between Citizens claiminig lands under grants of different States,—and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects; but no State shall be sued by a citizen or subject of any foreign State.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION III.

Treason against the Confederate States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason,

but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

Section I.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section II.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be impaired.

A person charged in any State with Treason, Felony, or other Crime against the laws of such State, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No slave or other Person held to Service or Labour in any State or Territory of the Confederate States, under the laws thereof, escaping or unlawfully carried into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such slave belongs, or to whom such Service or Labour may be due.

Section III.

Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations concerning the property of the Confederate States, including the lands thereof.

The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government; and the inhabitants of the several Confederate States and territories shall have the right to take to such territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a Republican Form of Government, and shall protect each of them against invasion; and on Application of the Legislature, or of the Executive (when the Legislature is not in session) against domestic Violence.

ARTICLE V

Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the

States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said Convention—voting by States—and the same be ratified by the Legislatures of two-thirds of the several States, or by Conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general Convention—they shall henceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

ARTICLE VI.

The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified or the offices abolished.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

This Constitution and the Laws of the Confederate States made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme Law of the Land; and the judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by Oath or Affirmation to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the Confederate States.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people of the several States.*

The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

ARTICLE VII.

The Ratification of the Conventions of five States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice President; and for the meeting of the electoral college; and for counting the votes and inaugurating the President. They shall also prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

Adopted unanimously March 11, 1861.

*This paragraph and the next are identical with the Ninth and Tenth Amendments to the United States Constitution.

PROCLAMATION OF EMANCIPATION.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION

WHEREAS, on the 22d of September, in the year of our Lord one thousand eight hundred sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following to wit:

"That on the 1st day of January, in the year of our Lord one thousand eight hundred sixty-three, all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any effects they may make for their actual freedom.

"That the Executive will, on the first day of January, aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at election wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such States and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States and as a fit and necessary war measure for repressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of 100 days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following to wit:

Arkansas, Texas, Louisiana (except the parishes of Saint Bernard, Plaquemines, Jefferson, Saint John, Saint Charles, Saint James, Ascension, Assumption, Terre Bonne, Lafourche, Saint Mary, Saint Martha, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and

naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free, to abstain from all violence, unless in necessary self-defence; and I recommend to them that in all cases, when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

[L.S.] Done at the city of Washington, this first day of January, in the year of our Lord one thousand eight hundred sixty-three, and of the independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN.

WILLIAM H. SEWARD, Secretary of State.

DECLARATION OF INDEPENDENCE.

A DECLARATION
BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of the absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused to assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them by a mock trial from punishment, for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefit of trial by jury:

For transporting us beyond seas to be tried for pretended offenses

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever:

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only

by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war—in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

The signers represented the States as follows:

New Hampshire: Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts: John Hancock, Samuel Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island: Stephen Hopkins, William Ellery.

Connecticut: Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York: William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey: Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania: Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware: Cæsar Rodney, George Reed, Thomas McKean.

Maryland: Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

Virginia: George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

North Carolina: William Hooper, Joseph Hewes, John Penn.

South Carolina: Edward Rutledge, Thomas Heyward, Jun., Thomas Lynch, Jun., Arthur Middleton.

Georgia: Button Gwinnett, Lyman Hall, George Walton.

It may be noted that several of these were not members of Congress when the Declaration was passed.

KNIGHTS OF THE WHITE CAMELIA.

This order was formed at New Orleans, La., in May, 1867, and subsequently became the largest of the revolutionary orders called into existence by the misgovernment of reconstruction. Its principal strength was in the Gulf states, farther south than the Ku Klux Klan. The organization was as follows: a Supreme Council for the United States; a Grand Council in each state; a Central Council in each congressional district; and Councils in each county. Each council was divided into circles and groups. The officers of the council were known as commander, lieutenant-commander, sentinel, secretary and treasurer; with the prefixed adjectives, supreme, grand, or eminent, for the officials of the three higher ranks of councils. The members were called "brothers." The objects of the order were, to nullify radical legislation, to reduce the influence of the blacks in politics, to prevent amalgamation of the races, and to defend the white race against radical encroachment. The members swore to vote for no black for office, to observe always a marked distinction between the races, to maintain the social and political superiority of the white race, at the same time protecting the blacks in the privileges rightfully theirs. The constitution forbade the endorsement of any political party by the order. Each member was free to vote as he pleased, subject to his oath always to oppose negroes for office, or those favorable to negro political rights. The order operated also as a body of regulators using such methods as were usually attributed to the Ku Klux Klan. The membership was of a higher order than that of the Klan; the discipline was good and the order never degenerated so badly as the Ku Klux. The effect of its operations was to control the lawless negroes, intimidate and drive from the country the carpet-baggers, and to secure again to the whites control of the State and county governments. These objects accomplished, the order gradually disbanded. Its secrets were well kept and not until recent years was anything definite known of the order. The White Brotherhood and the White League were closely related orders that existed in the same territory a few years after the White Camelia had disintegrated.

KU KLUX KLAN.

The Ku Klux Klan was a secret order founded at Pulaski, Tenn., in 1866, and was the outgrowth of a local secret society originally formed for purposes of amusement only. The effect of its grotesque and mysterious ceremonies upon the superstitious and ignorant negroes was soon detected and the order spread over the entire South, the membership being placed at over 500,000. Its officers were as follows: A Grand Cyclops or president; a Grand Magus or Vice-president; a Grand Turk or marshal; a Grand Exchequer or treasurer, and two lictors. There were the outer and inner guards of the "Den," as the place of meeting was designated. Each member was required to provide himself with the following outfit: A white mask for the face, with orifices for the eyes and nose; a tall, fantastic cardboard hat, so constructed as to increase the wearer's apparent height; a gown or robe of sufficient length to cover the entire person. Each member also carried a small whistle, with which, by means of a code of signals agreed on, they held communication with one another. In April, 1867, the Grand Cyclops of the Pulaski den called for a convention of delegates from the dens, which met at Nashville, Tenn., in the early summer of 1867. Under the plan of reorganization adopted by the convention the grand officers were: The Grand Wizard of the Invisible Empire and his ten Genii; the Grand Dragon of the Realm and his eight Hydras; the Grand Titian of the Dominion and his six Furies; the Grand Cyclops of the den and his two Nighthawks; a Grand Monk; a Grand Exchequer; a Grand Lictor; a Grand Scribe; a Grand Turk; a Grand Sentinel. The Genii, Hydras, Furies, Goblins and Nighthawks were staff officers.

This Nashville convention made a positive and emphatic declaration of the principles of the order in the following terms: "We recognize our relations to the United States government; the supremacy of the constitution; the constitutional laws thereof, and the union of the states thereunder."

The convention also defined and set forth the peculiar objects of the order as follows: (1) To protect the weak, the innocent, and the defenseless from the indignities, wrongs, and outrages of the lawless, the violent and the brutal; to relieve the injured and the oppressed; to succor the suffering, and especially the widows and orphans of Confederate soldiers. (2) To protect and defend the constitution of the United States and all laws passed in conformity thereto, and to protect the states and people from all invasions from any source whatever. (3) To aid and assist in the execution of all constitutional laws, and to protect the people from unlawful seizure, and from trial except by their peers in conformity to the laws of the land.

The Klan exerted a vast, terrifying and wholesome power, but its influence was never at any time dependent on or proportioned to its membership. The organization was disbanded in March, 1869.

THE UNION LEAGUE OF AMERICA.

This organization was formed in 1862 to "make loyalty effective." The members of the United States Sanitary Commission began the organization in 1862, in Ohio, Philadelphia, and New York. Leagues were formed all over the North before the end of 1863. The members were pledged to repudiate any political belief that conflicted with unconditional loyalty to the Union. Several similar orders were absorbed by the Union League. The organization distributed more than 5,000,000 political pamphlets; recruited negro regiments; sent teachers to instruct the negroes; and demanded negro suffrage in 1865. The league was gradually extended into the South among the "Unionists," and during 1865-66 had a strong membership of whites in the mountain districts of that section. In 1867 negroes were admitted to the order in the South and at once nearly all of the whites deserted. From 1867 to 1876 the league and its offshoots formed the "machine" of the Radical party in the South. It controlled the negro vote absolutely and organzied it well; it made all nominations for office, and severely disciplined those who disobeyed orders. A constitution and ritual were adopted for use in the South. There was a weird initiation ceremony to impress the negroes. The members swore to vote for no one except members of their own order. An ex-Confederate could not join unless he would acknowledge that his course during the war had been treason, and under no circumstances was he eligible to office in the order or to become a candidate for political office. The administration of the league was in the hands of the so-called carpet-baggers or political adventurers from the North. The local assemblies were called councils; these together formed the Union League of America, with headquarters in each Southern state and general headquarters in New York. In the councils the negroes were drilled in the faith of the Republican party, a catechism being prepared for that purpose. There was complaint that the league was a cause of disorder and violence among the blacks on account of its incendiary teachings. At one time it was said that the membership reached 500,000 in the South. In the North after 1865 the order gradually died out, the surviving leagues becoming social clubs. As an institution of reconstruction the Union League was most important. The rigid organization and the strict control imposed by it upon the blacks, made it possible for them to vote as a race and vote the Republican ticket.

GOVERNORS OF THE SOUTHERN STATES.

VIRGINIA.

IN TIME OF ELIZABETH.

1584–90—Sir Walter Raleigh (Lord Proprietor; never in Virginia).
1585–86—Ralph Lane (Governor of Raleigh, first colony).
1587–90—John White (Governor of Raleigh, second colony).

UNDER THE VIRGINIA COMPANY, 1606–1624.

Residents in England.

1609–18—Sir Thomas Smith (President and Treasurer of London Company).
1618–19—Sir Edwin Sandys (President and Treasurer of London Company).
1619–24—Earl of Southampton (President and Treasurer of London Company).

Residents in Virginia.

1607—Edward Maria Wingfield (President).
1607—John Ratcliffe (President).
1608—Capt. John Smith (President).
1609—George Percy (President).
1609–18—Thomas West, Lord de la Warr (Lord Governor; governor though residing in Virginia very little).
1610—Sir Thomas Gates (Deputy-Governor).
1610—Thomas West.
1611—George Percy (Deputy-Governor).
1611—Sir Thomas Dale (Deputy-Governor).
1611—Sir Thomas Gates (Lieut.-Governor).
1614—Sir Thomas Dale (Deputy-Governor).
1616—George Yeardley (Deputy-Governor).
1617—Samuel Argall (Deputy-Governor).
1619—Nathaniel Powell (Acting Deputy-Governor).
1619—Sir George Yeardley (Governor).
1621—Sir Francis Wyatt (Governor).

UNDER THE CROWN, 1624–1652.

1624—Sir Francis Wyatt (Governor).
1626—Sir George Yeardley (Governor).
1627—Francis West (Acting Governor).
1628—John Pott (Acting Governor).
1630—Sir John Harvey (Governor).
1635—John West (Acting Governor).
1636—Sir John Harvey (Governor).
1639—Sir Francis Wyatt (Governor).
1642—Sir William Berkeley (Governor).
1645—Richard Kemp (President of Council in Berkeley's absence in England).
1645—Sir William Berkeley (Governor).

UNDER THE COMMONWEALTH, 1652–1660.

1652—Richard Bennett.
1655—Edward Diggs.
1658—Samuel Matthews.
1659—Berkeley, acting at request of Assembly.

UNDER THE CROWN, 1660–1776.

1660—Sir William Berkeley.
1661—Sir Francis Morrison (Acting Governor).

1662—Sir William Berkeley.
1677—Sir Henry Jefferys (Lieut.-Governor).
1678—Sir Henry Chicheley (Lieut.-Governor).
1680—Thomas, Lord Culpepper (Governor).
1683—Nicholas Spencer (Acting Governor).
1684—Lord Howard of Effingham (Deputy-Governor).
1689—Nathaniel Bacon (Acting Governor).
1690—Sir Francis Nicholson (Lieut.-Governor).
1693—Sir Edmund Andros (Governor).
1697–1737 — George Hamilton Douglas, Earl of Orkney (Governor; never in the colony).
1698 — Sir Francis Nicholson (Lieut.-Governor).
1705—Edward Nott (Lieut.-Governor).
1706—Edmund Jennings (President of Council and Acting Governor).
1710—Robert Hunter (Lieut.-Governor; appointed but captured by French).
1710 — Alexander Spottswood (Lieut.-Governor).
1722—Hugh Drysdale (Lieut.-Governor).
1726—Robert Carter (President of Council and Acting Governor).
1727— William Gooch (Lieut.-Governor).
1737–54—William, Earl of Albemarle (Governor; never in the colony).
1740—James Blair (President of Council and Acting Governor).
1741 — William Gooch (Lieut.-Governor).
1749—John Robinson, Sr. (President of Council and Acting Governor).
1749—Thomas Lee (President of Council and Acting Governor).
1750—Louis Burwell (President of Council and Acting Governor)
1751—Robert Dinwiddie (Lieut.-Governor).
1756–68—John Campbell, Earl of Loudoun (Governor; never in the colony).
1758—John Blair (President of Council and Acting Governor).
1758—Francis Fauquier (Lieut.-Governor).
1763–68 — Sir Jeffrey Amherst (Governor; never in the colony).
1768—John Blair (President of Council and Acting Governor).
1768–70—Norborne Berkeley, Lord de Botetourt (Governor).
1770—William Nelson (President of Council and Acting Governor)
1771—John, Lord Dunmore (Governor).

UNDER STATE CONSTITUTION, 1776-1865.

1776—Patrick Henry.
1779—Thomas Jefferson.
1781—Thomas Nelson, Jr.
1781—Benjamin Harrison.
1784—Patrick Henry.
1786—Edmund Randolph.
1788—Beverly Randolph.
1791—Henry Lee.
1794—Robert Brooke.
1796—James Wood.
1799—James Monroe.
1802—John Page.
1805—William H. Cabell.
1808—John Tyler, Sr.
1811—James Monroe.
1811—George William Smith (Acting Governor after resignation of Monroe).
1811—Peyton Randolph (Acting Governor after death of Smith).
1812—James Barbour.
1814—Wilson Cary Nicholas.
1816—James Patton Preston.
1818—Thomas Mann Randolph.
1822—James Pleasant, Jr.
1825—John Tyler.
1827—William B. Giles.
1830—John Floyd.
1834—Littleton Waller Tazewell.
1836—Windham Robertson (Acting Governor after resignation of Tazewell).
1837—David Campbell.
1840—Thomas Walker Gilmer.
1841—John M. Patton (Acting, pending election).

1841—John Rutherford (Acting, pending election).
1842—John M. Gregory (Acting, pending election).
1843—James McDowell.
1846—William Smith.
1849—John Buchanan Floyd.
1852—Joseph Johnson.
1856—Henry Alexander Wise.
1860—John Letcher.
1864—William Smith.

UNDER FEDERAL RULE, 1865–1870.

1865—Francis H. Pierpont.
1867–69—J. M. Schofield (Military commander).
1867—Henry H. Wells (Provisional Governor).
1869–70—E. R. S. Canby (Military commander).
1869—Gilbert C. Walker (Provisional Governor).

AGAIN IN UNION, 1870.

1870—Gilbert C. Walker.
1874—James Lawson Kemper.
1878—Frederick W. M. Holliday.
1882—William E. Cameron.
1886—Fitzhugh Lee.
1890—Philip W. McKinney.
1894—Charles Triplett O'Ferrall.
1898—J. Hoge Tyler.
1902—Andrew J. Montague.
1906—Claude A. Swanson.

MARYLAND.

LORDS PROPRIETARY.

1632—Cecil Calvert, Second Lord Baltimore.
1675—Charles Calvert, Third Lord Baltimore.
1715—Benedict L. Calvert, Fourth Lord Baltimore.
1715—Charles Calvert, Fifth Lord Baltimore.
1751 — Frederick Calvert, Sixth Lord Baltimore.
1771—Sir H. Harford.

PROPRIETARY GOVERNORS.

1633—Leonard Calvert.
1638, April—John Lewger (Acting Governor).
1638, May – August — Thomas Cornwaleys (Acting Governor).
1641, May–July—Thomas Cornwaleys (Acting Governor).
1643—Giles Brent (Acting Governor).
1644 — Leonard Calvert (Returned).
1645—Richard Ingle (Usurper; "The Plundering Time").
1646—Edward Hill.
1646 — Leonard Calvert (Restored).
1647—Thomas Greene.
1649—William Stone.
1652, March–June — Parliamentary Commissioners, Richard Bennett, Edmund Curtis, William Claiborne.
1652—William Stone (Restored).
1654—Commissioners named by the Parliamentary Commissioners, with subsequent additions to fill vacancies, made by the Provincial Court.
1658—Josias Fendall.
1660—Philip Calvert.
1661—Charles Calvert.
1669 — Philip Calvert (Acting Governor).
1670—Charles Calvert (Returned).
1676 — Cecilius Calvert (Titular Governor).
1676 — Jesse Wharton (Deputy-Governor).
1676—Thomas Notley.
1679 — Charles Calvert, Third Lord Baltimore.
1684—Benedict Leonard Calvert (Titular Governor; Government carried on by the Council).
1688—William Joseph (President of Council).
1689, August—Committee of the Protestant Freemen (Usurpers).
1689, August—Convention of the Freemen.
1689, September — John Coode (Commander-in-Chief).
1690—Provincial Convention and Committee of two from each county.

ROYAL GOVERNORS.

1692—Sir Lionel Copley.
1693—Sir Edmund Andros.
1693—Nicholas Greenberry (President of Council).
1694—Sir Thomas Lawrence (Secretary).
1694—Francis Nicholson.
1699—Nathaniel Blackiston.
1702—Thomas Tench (President of Council).
1704—John Seymour.
1709—Edward Loyd (President of Council).
1714—John Hart.

PROPRIETARY GOVERNORS.

1715—John Hart.
1720—Thomas Brooke (President of Council).
1720—Charles Calvert.
1727—Benedict Leonard Calvert.
1731—Samuel Ogle.
1732—Charles Calvert, Fifth Lord Baltimore.
1733—Samuel Ogle.
1742—Thomas Bladen.
1747—Samuel Ogle.
1752—Benjamin Tasker (President of Council).
1753—Horatio Sharpe.
1769—Robert Eden.
1774—Richard Lee (President of Council).
1774—Robert Eden (Returned).
1774–76—Council of Safety.

UNDER STATE CONSTITUTION.

1777—Thomas Johnson.
1779—Thomas Sim Lee.
1782—William Paca.
1785—William Smallwood.
1788—John Eager Howard.
1791—George Plater.
1792—Thomas Sim Lee.
1794—John H. Stone.
1797—John Henry.
1798—Benjamin Ogle.
1801—John Francis Mercer.
1803—Robert Bowie.
1806—Robert Wright.
1809—Edward Lloyd.
1811—Robert Bowie.
1812—Levin Winder.
1815—Charles Ridgely.
1818—Charles W. Goldsborough.
1819—Samuel Sprigg.
1822—Samuel Stevens, Jr.
1826—Joseph Kent.
1828—Daniel Martin.
1829—Thomas King Carroll.
1830—Daniel Martin.
1831—George Howard (Acting Governor).
1832—George Howard.
1833—James Thomas.
1835—Thomas W. Veazey.
1838—William Grayson.
1841—Francis Thomas.
1844—Thomas G. Pratt.
1847—Philip F. Thomas.
1850—Enoch L. Lowe.
1854—Thomas W. Ligon.
1858—Thomas H. Hicks.
1862—Augustus W. Bradford.
1865—Thomas Swann.
1869—Oden Bowie.
1872—William Pinkney Whyte.
1874—James Black Groome.
1876—John Lee Carroll.
1880—William T. Hamilton.
1884—Robert M. McLane.
1885—Henry Lloyd.
1888—Elihu E. Jackson.
1892—Frank Brown.
1896—Lloyd Lowndes, Jr.
1900—John Walter Smith.
1904—Edwin Warfield.
1908—Austin L. Crothers.

KENTUCKY.

1792—Isaac Shelby.
1796—James Garrard.
1804—Christopher Greenup.
1808—Charles Scott.
1812—Isaac Shelby.
1816—George Madison.
1816—Gabriel Slaughter.
1820—John Adair.
1824—Joseph Desha.
1828—Thomas Metcalf.
1832—John Breathitt.
1834—James T. Morehead.
1836—James Clark.
1839—Charles A. Wickliffe.
1840—Robert P. Letcher.
1844—William Owsley.

1848—John J. Chittenden.
1850—John L. Helm.
1851—Lazarus W. Powell.
1855—Charles S. Morehead.
1859—Beriah Magoffin.
1861—James F. Robinson.
1861—George W. Johnson (Provisional Governor).
1862—Richard Hawes (Provisional Governor).
1863—Thomas E. Bramlette.
1867—John L. Helm.
1867—John W. Stevenson.
1871—Preston H. Leslie.
1875—James B. McCreary.
1879—Luke P. Blackburn.
1883—J. Proctor Knott.
1887—Simon B. Buckner.
1891—John Young Brown.
1895—William O. Bradley.
1900—William S. Taylor.
1900—William Goebel.
1900—John C. W. Beckham.
1907—Augustus E. Willson.

WEST VIRGINIA.

1863—Arthur I. Boreman.
1869—D. D. T. Farnsworth (Acting Governor).
1869—William E. Stevenson.
1871—John J. Jacob.
1877—Henry M. Mathews.
1881—Jacob B. Jackson.
1885—E. Willis Wilson.
1890—A. Brooks Fleming.
1893—William A. MacCorkle.
1897—George W. Atkinson.
1901—Albert B. White.
1905—William M. O. Dawson.
1909—William E. Glasscock.

SOUTH CAROLINA.

ORIGINAL LORDS PROPRIETORS.

1663—Edward Hyde, Earl of Clarendon; George Monck, Duke of Albemarle; William, Earl of Craven; John, Lord Berkeley; Anthony Ashley Cooper, Lord Ashley; Sir George Carteret; Sir William Berkeley; Sir John Colleton.

PROPRIETARY GOVERNORS.

1670—William Sayle.
1671—Joseph West.
1672—Sir John Yeamans.
1674—Joseph West.
1682—Joseph Morton.
1684—Sir Richard Kyrle.
1684—Robert Quary.
1685—Joseph West.
1685—Joseph Morton.
1686—James Colleton.
1690—Seth Sothell.
1692—Philip Ludwell.
1693—Thomas Smith.
1694—Joseph Blake.
1694—John Archdale.
1696—Joseph Blake.
1700—James Moore.
1702—Sir Nathaniel Johnson.
1710—Edward Tynte.
1710—Robert Gibbes.
1711—Charles Craven.
1716—Robert Daniell (Deputy-Governor).
1717—Robert Johnson.

UNDER THE CROWN.

1719—James Moore, 2d.
1721—Sir Francis Nicholson.
1724—Arthur Middleton (President of Council).
1729—Robert Johnson.
1735—Thomas Broughton (Lieut.-Governor).
1737—William Bull (President of Council and Lieut.-Governor).
1743—James Glen.
1756—William Henry Lyttelton.
1760—William Bull, 2d (Lieut.-Governor).
1761—Thomas Boone.
1764—William Bull, 2d (Lieut.-Governor).
1766—Lord Charles Greville Montagu.
1768—William Bull, 2d (Lieut.-Governor).
1768—Lord Charles Greville Montagu.
1769—William Bull, 2d (Lieut.-Governor).
1771—Lord Charles Greville Montagu.

1773—William Bull, 2d (Lieut.-Governor).
1775—Lord William Campbell.
1775—Henry Laurens (Acting Governor).

UNDER STATE CONSTITUTION.

1776—John Rutledge (President).
1778—Rawlins Lowndes (President).
1779—John Rutledge (Governor).
1782—John Mathewes.
1783—Benjamin Guerard.
1785—William Moultrie.
1787—Thomas Pinckney.
1789—Charles Pinckney.
1792—William Moultrie.
1794—Arnoldus VanderHorst.
1796—Charles Pinckney.
1798—Edward Rutledge.
1800—John Drayton.
1802—James B. Richardson.
1804—Paul Hamilton.
1806—Charles Pinckney.
1808—John Drayton.
1810—Henry Middleton.
1812—Joseph Alston.
1814—David R. Williams.
1816—Andrew Pickens.
1818—John Geddes.
1820—Thomas Bennett.
1822—John L. Wilson.
1824—Richard I. Manning.
1826—John Taylor.
1828—Stephen D. Miller.
1830—James Hamilton.
1832—Robert Y. Hayne.
1834—George McDuffie.
1836—Pierce M. Butler.
1838—Patrick Noble.
1840—B. K. Henagan.
1840—John P. Richardson.
1842—James H. Hammond.
1844—William Aiken.
1846—David Johnson.
1848—W. B. Seabrook.
1850—John H. Means.
1852—John L. Manning.
1854—James J. Adams.
1856—Robert F. W. Allston.
1858—William H. Gist.
1860—Francis W. Pickens.
1862—Milledge L. Bonham.
1864—A. Gordon Magrath.
1865—Benjamin F. Perry (Provisional Governor).
1865—James L. Orr.
1865—Gen. Daniel E. Sickles (Military Governor).
1865—Gen. E. R. S. Canby (Military Governor).
1868—Robert K. Scott.
1872—Franklin J. Moses, Jr.
1874—Daniel H. Chamberlain.
1876—Wade Hampton.
1879—William D. Simpson.
1880—T. B. Jeter.
1880—Johnson Hagood.
1882—Hugh S. Thompson.
1886—John C. Sheppard.
1886—John P. Richardson.
1890—Benjamin R. Tillman.
1894—John Gary Evans.
1897—William H. Ellerbe.
1899—Miles B. McSweeney.
1903—Duncan Clinch Heyward.
1907—Martin F. Ansel.

GEORGIA.

1663—Lords Proprietors (See North and South Carolina).
1717—Sir Robert Montgomery (Margrave of Azilia).
1730—Lords Proprietors.
1732—"Trustees of the Colony of Georgia" (principally James Oglethorpe).

GOVERNORS UNDER THE TRUSTEES.

1732–43—James Oglethorpe (Governor).
1741—William Stephens (President of Savannah County).
1741—James Oglethorpe (President of Frederica County).
1743—William Stephens (President).
1751—Henry Parker (President).
1754—Patrick Graham (President).

ROYAL GOVERNORS.

1754—Capt. John Reynolds.
1757—Henry Ellis (Lieutenant and Acting Governor).
1758—Henry Ellis.
1760—James Wright.

1771—James Habersham (President and Acting Governor).
1773—James Wright.

PROVINCIAL GOVERNORS UNDER AMERICAN GOVERNMENT.

1775—William Ewen (President of Council of Safety).
1776—Archibald Bulloch (President and Commander-in-Chief of Georgia).
1777—Button Gwinnett (President of Georgia).

UNDER STATE CONSTITUTION OF 1777.

1777—John A. Truetlen.
1778, Jan. 8–1778, Dec. 29—John Houstoun.
1778, Dec. 29–1779, Nov. 4 — John Wereal.
1779, Nov. 4–1780, Jan. 7— George Walton.
1780, Jan. 7–1781, Jan. 7 — Richard Howley.
1781, Jan. 7–1781, Aug. 15 — Stephen Heard (President of Executive Council and Acting Governor).
1781, Aug. 16–1782, Jan. 8 — Nathan Brownson.
1782—John Martin.
1783—Lyman Hall.
1784—John Houstoun.
1785—Samuel Elbert.
1786—Edward Telfair.
1787—George Matthews.
1788—George Handley.

UNDER FEDERAL CONSTITUTION AND STATE CONSTITUTION OF 1777.

1789—George Walton.
1790—Edward Telfair.
1793—George Matthews.
1796—Jared Irwin.
1798—James Jackson.

UNDER STATE CONSTITUTION OF 1798.

1801—David Emanuel (Acting Governor).
1801—Josiah Tatnall.
1802—John Milledge.
1806—Jared Irwin.
1809—David B. Mitchell.
1813—Peter Early.
1815—David B. Mitchell.
1817—William Rabun.
1819—Matthew Talbot (Acting Governor).
1819—John Clarke.
1823—George M. Troup.
1827—John Forsyth.
1829—George R. Gilmer.
1831—William Lumpkin.
1835—William Schley.
1837—George R. Gilmer.
1839—Charles J. McDonald.
1843—George W. Crawford.
1847—George W. B. Towns.
1851—Howell Cobb.
1853—Herschel V. Johnson.
1857—Joseph E. Brown.
1865—James Johnson (Provisional Governor).
1865—Charles J. Jenkins.
1867—Gen. T. H. Ruger (Military Governor).

UNDER STATE CONSTITUTION OF 1868.

1868—Rufus B. Bullock.
1871—Benjamin Conley (Acting Governor).
1872—James Milton Smith.
1877—Alfred H. Colquitt (Beginning under State Constitution of 1868 and ending under that of 1877).

UNDER STATE CONSTITUTION OF 1877.

1882—Alexander H. Stephens.
1883—J. L. Boynton (Acting Governor).
1883—Henry D. McDaniel.
1886—John B. Gordon.
1890—W. J. Northen.
1894—William Y. Atkinson.
1898—Allen D. Candler.
1902—Joseph M. Terrell.
1907—Hoke Smith.
1909—Joseph M. Brown.

MISSISSIPPI.

UNDER FRENCH RULE, 1699–1763.

1699—Pierre le Moyne, Sieur d'Iberville (Made settlement of Biloxi).
1699–1711—Louis Hector de Callierves and Philip de Rigault, Marquis de Vaudreuil (Governors of New France or Canada) controlled the settlements of Louisiana in these years.
1699—Antoine le Moyne Sauvolle.
1701—Jean Baptiste le Moyne, Sieur de Bienville.
1712—Antoine de la Mothe Cadillac.
1717—De L'Epinay.
1718—Bienville.
1724—Boisbriant (Acting Governor).
1726—Perier.
1733—Bienville.
1743—Marquis de Vaudreuil.
1753—Louis Billouart de Kerleréc.

PROVINCE OF WEST FLORIDA, UNDER ENGLISH RULE, 1763–1781.

1763—George Johnstone.
1767—Montfort Browne (*ad interim*).
1768—John Eliot.
1768—Montfort Browne (*ad interim*).
1769—Elias Durnford (*ad interim*).
1770—Peter Chester.

NATCHEZ DISTRICT UNDER SPANISH RULE, 1781–1798.

Francis Callett.
Phelipe Trevino.
Estevan de Miro.
Pedro Piernas.
Francis Dauligny.
Carlos de Grand Pre.
Manuel Gayoso de Lemos.
Joseph Vidal.
Stephen Minor.

TERRITORY OF MISSISSIPPI, 1798–1817.

1798—Winthrop Sargent (Governor of Territory Northwest of Ohio River).
1801—John Steele (Acting Governor).
1801—William C. C. Claiborne.
1804—Cato West (Acting Governor).
1805—Robert Williams.
1806–7—Cowles Meade (Acting Governor).
1807—Robert Williams.
1809—Thomas Williams (Acting Governor).
1809–17—David Holmes (Governor).
1811–12—Henry Dangerfield (Acting Governor).
1815–16—Nathaniel A. Ware (Acting Governor).

AS A STATE.

1817—David Holmes.
1820—George Poindexter.
1822—Walter Leake (d. Nov. 17, 1825).
1825—Gerard C. Brandon (Acting Governor).
1826—David Holmes (Resigned July, 1826).
1826—Gerard C. Brandon (Acting Governor).
1832—Abram M. Scott (d. June 12, 1833).
1833—Charles Lynch (President of Senate and Acting Governor).
1833—Hiram G. Runnels (Vacated Office Nov. 20, 1835).
1835—John A. Quitman (President of Senate and Acting Governor).
1836—Charles Lynch.
1838—Alexander G. McNutt.
1842—Tilghman M. Tucker.
1844—Albert G. Brown.
1848—Joseph W. Matthews.
1850—John A. Quitman (Resigned Feb. 3, 1851).
1851—John J. Guion (President of Senate and Acting Governor).
1851—James Whitfield (President of Senate and Acting Governor).
1852—Henry S. Foote (Resigned Jan. 5, 1854).
1854—John J. Pettus (President of Senate and Acting Governor).
1854—John J. McRae.

1857—William McWillie.
1859—John J. Pettus.
1863—Charles Clark (Removed by Federal Government May 22, 1865).
1865—William L. Sharkey (Provisional Governor).
1865—Benjamin G. Humphreys (Removed by Federal Government June 15, 1868).
1868—Adelbert Ames (Military Governor).
1870—James L. Alcorn (Resigned Nov. 30, 1871).
1871—Ridgeley C. Powers (Acting Governor).
1874—Adelbert Ames (Resigned March 29, 1876).
1876—John M. Stone (President of Senate).
1882—Robert Lowry.
1890—John M. Stone.
1896—Anselm J. McLaurin.
1900—Andrew H. Longino.
1904—James Kimble Vardaman.
1908—Edmond Favor Noel.

TENNESSEE.

STATE OF FRANKLIN.

1785—John Sevier.
1788—Interregnum.

TERRITORY OF THE UNITED STATES SOUTH OF THE OHIO RIVER.

1790—William Blount.

AS A STATE.

1796—John Sevier.
1801—Archibald Roane.
1803—John Sevier.
1809—William Blount.
1815—Joseph McMinn.
1821—William Carroll.
1827—Sam Houston.
1829—William Hall (Acting Governor).
1829—William Carroll.
1835—Newton Cannon.
1839—James K. Polk.
1841—James C. Jones.
1845—Aaron V. Brown.
1847—Neil S. Brown.
1849—William Trousdale.
1851—William B. Campbell.
1853—Andrew Johnston.
1857—Isham G. Harris.
1862–5—Andrew Johnson (Military Governor).
1863—R. L. Caruthers (Elected Governor of Confederate part of Tennessee, but never inaugurated).
1865, March 4–April 5—Interregnum.
1865—William G. Brownlow.
1869—De Witt C. Senter.
1871—John C. Brown.
1875—James D. Porter.
1879—Albert S. Marks.
1881—Alvin Hawkins.
1883—William B. Bate.
1887—Robert L. Taylor.
1891—John P. Buchanan.
1893—Peter Turney.
1897—Robert L. Taylor.
1899—Benton McMillan.
1903—James B. Frazier.
1905—John I. Cox.
1907—Malcolm R. Patterson.

FLORIDA.

TERRITORIAL.

1821—Andrew Jackson.
1822—William P. Duval.
1834—John H. Eaton.
1836—Richard K. Call.
1839—Robert R. Reid.
1841—Richard K. Call.
1844—John Branch.

STATE.

1845—William D. Moseley.
1849—Thomas Brown.
1855—James E. Broome.
1857—Madison S. Perry.
1861—John Milton.
1865—William Marvin (Provisional Governor).
1866—David S. Walker.
1868—Harrison Reed.
1873—Ossian B. Hart.
1874—Marcellus L. Stearns.
1877—George F. Drew.
1881—William D. Bloxham.

1885—Edward A. Perry.
1889—Francis P. Fleming.
1893—Henry L. Mitchell.
1897—William D. Bloxham.
1901—William S. Jennings.
1905—Napoleon B. Broward.
1909—Albert W. Gilchrist.

LOUISIANA.

AS A COLONY OF FRANCE.

1699—Sieur de Sauvolle.
1701—Jean Baptiste le Moyne, Sieur de Bienville.

AS A FRENCH PROPRIETARY COLONY.

(*a*) Anthony Crozat (Proprietor).
1712–16—La Mothe Cadillac.
1717—De L'Epinay.
(*b*) John Law and the Company of the West (Proprietors).
1718—Bienville.
1724—Boisbriant (Acting Governor).
1726—Perier.

AS A FRENCH ROYAL PROVINCE.

1733—Bienville.
1743—Marquis de Vaudreuil.
1753—Louis Billouart de Kerleréc.

AS A SPANISH ROYAL PROVINCE.

(*a*) *Interregnum.*
1763—D'Abbadie (Director-General and Acting Governor).
1765—Aubry (Commander of the Royal Troops, Acting Governor after death of D'Abbadie).
(*b*) *Spanish Domination.*
1767—Antonio de Ulloa (First Spanish Governor).
1769—Alexander O'Reilly.
1770—Don Luis de Unzaga.
1777—Don Bernardo de Galvez.
1785—Don Estevan de Miro.
1791—Baron de Carondelet.
1797—Gen. Gayoso de Lemos.
1799—Marquis de Casa Calvo.
1801—Don Juan Manuel de Salcedo.

THE TERRITORY OF ORLEANS.

1803—William Charles Cole Claiborne (Appointed).

UNDER THE CONSTITUTION OF 1812.

1812—William C. C. Claiborne (Elected).
1816—Jacques Philippe Villeré.
1820—Thomas Bowling Robertson (Resigned Nov. 15, 1824).
1824—Henry Schuyler Thibodaux (President of the Senate and *ex officio* Lieut.-Gov.; filled the unexpired term).
1824—Henry Johnson.
1828—Pierre Derbigny (Accidentally killed Oct. 6, 1829).
1829—Armand Beauvais (President of the Senate; Acting Governor until Jan. 14, 1830).
1830—Jacques Dupré (Elected President of the Senate to succeed Beauvais; acted as Governor until the next popular election).
1831—André Bienvenu Roman.
1835—Edward Douglas White.
1839—André Bienvenu Roman.
1843—Alexander Mouton.

UNDER THE CONSTITUTION OF 1845.

1846—Isaac Johnson.
1850—Joseph Marshall Walker.

UNDER THE CONSTITUTION OF 1852.

1853—Paul Octave Hébert.
1856—Robert Charles Wickliffe.

The War Period.

1860—Thomas Overton Moore (Military government established by the Federals after the fall of New Orleans).
1864—Henry Watkins Allen (Governor of portion held by Confederates).
1864—Michael Hahn (Governor of portion held by Federals).

The Reconstruction Period.

1865—James Madison Wells (Hahn elected senator Mar. 4, 1865; Lieut.-Gov. Wells succeeded him).
1867—Benjamin Franklin Flanders (Appointed Acting Governor by Military District Commander Sheridan).
1868—Joshua Baker (Appointed Acting Governor by Gen. W. S. Hancock, who succeeded Sheridan).

UNDER THE CONSTITUTION OF 1868.*

1868—Henry Clay Warmoth.

1872—William Pitt Kellogg (Recognized by President and Congress as the *de facto* Governor). John McEnery (Elected, but will of the people overturned by the "Returning Board").

1876—Francis Tillou Nicholls (Stephen B. Packard, claimant; but claims rejected).

UNDER THE CONSTITUTION OF 1879.

1880—Louis A. Wiltz (Died 1881).
1881—Samuel Douglas McEnery (*ex officio;* Lieut.-Gov. succeeded Wiltz).
1884—Samuel Douglas McEnery (Elected).
1888—Francis Tillou Nicholls.
1892—Murphy J. Foster.
1896—Murphy J. Foster.

UNDER THE CONSTITUTION OF 1898.

1900—William W. Heard.
1904—Newton C. Blanchard.
1908—Jared Y. Sanders.

MISSOURI.

SPANISH ILLINOIS COUNTRY.

1770—Pedro Piernas (Lieut.-Governor).
1775—Francisco Cruzat (Lieut.-Governor).
1778—Fernando de Leyba (Lieut.-Governor).
1780—Francisco Cruzat (Lieut.-Governor).
1787—Manuel Perez (Lieut.-Governor).
1792—Zenon Trudeau (Lieut.-Governor).
1799—Carlos Dehault de Lassus (Lieut.-Governor).

TERRITORY OF INDIANA.

1804—William Henry Harrison.

TERRITORY OF LOUISIANA.

1805—James Wilkinson.
1806—James Brown (Acting Governor).
1807—Frederick Bates (Acting Governor).
1807—Meriwether Lewis.
1809—Frederick Bates (Acting Governor).
1810—Benjamin Howard.

TERRITORY OF MISSOURI.

1812—Frederick Bates (Acting Governor).
1813—William Clark.

AS A STATE.

1820—Alexander McNair.
1824—Frederick Bates.
1825—Abraham J. Williams (Acting Governor).
1825—John Miller.
1832—Daniel Dunklin.
1836—Lilburn W. Boggs.
1840—Thomas Reynolds.
1844—M. M. Marmaduke (Acting Governor).
1844—John C. Edwards.
1848—Austin A. King.
1852—Sterling Price.
1856—Trusten Polk.
1857—Hancock Jackson (Acting Governor).
1857—Robert M. Stewart.
1861—Claiborne F. Jackson.
1861—Hamilton R. Gamble (Acting Governor).
1864—Willard P. Hall (Acting Governor).
1865—Thomas C. Fletcher.
1869—Joseph W. McClurg.
1871—Benjamin Gratz Brown.
1873—Silas Woodson.
1875—Charles H. Hardin.
1877—Johns S. Phelps.
1881—Thomas T. Crittenden.
1885—John S. Marmaduke.
1887—Albert P. Morehouse (Acting Governor).
1889—David R. Francis.
1893—William J. Stone.
1897—Lon V. Stephens.
1901—Alexander M. Dockery.
1905—Joseph W. Folk.
1909—Herbert S. Hadley.

*In 1861 a convention modified the Constitution of 1853 to read "The Confederate States of America" where it originally referred to the United States of America. In 1864 a constitution was framed and voted upon, but was not recognized by Congress.

ARKANSAS.

UNDER FRENCH RULE.

1684—Robert Cavalier, Sieur de la Salle (Appointed Governor of Louisiana, but was murdered in 1687 and did not serve, Henri de Tonti being left as Commander at the Illinois Post during his absence).
1698—Pierre le Moyne, Sieur d'Iberville (Began to colonize the Province of Louisiana under a commission from Louis XIV).
1699—M. de Sauvolle (Appointed first Governor of Province of Louisiana).
1701—Jean Baptiste le Moyne, Sieur de Bienville.
1712—La Mothe Cadillac.
1716—De L'Epinay.
1718—Bienville.
1724—Boisbriant (Acting Governor).
1726—Perier.
1733—Bienville.
1743—Pierre de Rigaud, Marquis de Vaudreuil.
1753—Louis Billouart de Kerleréc.
1763—D'Abbadie.
1765—Aubry (Last French Governor).

UNDER SPANISH RULE.

1767—Antonio de Ulloa.
1769—Count Alexander O'Reilly.
1770—Luis de Unzaga.
1777—Bernardo de Galvez.
1784—Estevan de Miro.
1791—Francisco Luys Hector, Baron de Carondelet.
1797—Manuel Gayoso de Lemos.
1799—Sebastian de Casa Calvo.
1801—Juan Manuel de Salcedo.

PROVINCE OF LOUISIANA.

1803—William C. C. Claiborne.

DISTRICT OF LOUISIANA.

1804—William Henry Harrison.

TERRITORY OF LOUISIANA.

1805—Gen. James Wilkinson.
1807—Capt. Meriwether Lewis.
1809—Gen. Benjamin Howard.

TERRITORY OF MISSOURI.

1812—Benjamin A. Howard.
1812—William Clark.

TERRITORY OF ARKANSAS.

1819—James Miller.
1825—George Izard.
1828, Nov.–1829, March—Robert Crittenden (Secretary and Acting Governor).
1829—John Pope.
1835—William S. Fulton.

STATE OF ARKANSAS.

1836—James S. Conway.
1840—Archibald Yell.
1844 — Samuel Adams (Acting Governor).
1844—Thomas S. Drew.
1849—John S. Roane.
1852—Elias N. Conway.
1860—Henry M. Rector.
1862—Harris Flanagan.
1864—Isaac Murphy.
1868—Powell Clayton.
1871—Ozro A. Hadley (Acting Governor).
1873—Elisha Baxter.
1874—Augustus H. Garland.
1877—William R. Miller.
1881—Thomas J. Churchill.
1883—James H. Berry.
1885—Simon P. Hughes.
1889—James P. Eagle.
1893—William M. Fishback.
1895—James P. Clarke.
1897—Daniel W. Jones.
1901—Jefferson Davis.
1907—John S. Little (Inaugurated, but never served).
1907—J. Ike Moore (Acting Governor).
X. O. Pindall (Acting Governor).
1909—George W. Donaghey.

ALABAMA.

AS A TERRITORY.

1817—William W. Bibb.

AS A STATE.

1819—William W. Bibb.

1820—Thomas Bibb.
1821—Israel Pickens.
1825—John Murphy.
1829—Gabriel Moore.
1831—Samuel B. Moore.
1831—John Gayle.
1835—Clement C. Clay, Sr.
1837—Hugh McVay.
1837—Arthur P. Bagby.
1841—Benjamin Fitzpatrick.
1845—Joshua L. Martin.
1847—Reuben Chapman.
1849—Henry W. Collier.
1853—John A. Winston.
1857—Andrew B. Moore.
1861—John G. Shorter.
1863—Thomas H. Watts.
1865—Interregnum of two months.
1865—Lewis E. Parsons (Provisional Governor; appointed by President).
1865—Robert M. Patton (Served seven months longer than his term because no successor was elected).
1868—William H. Smith.
1870—Robert B. Lindsay.
1872—David P. Lewis.
1874—George S. Houston.
1878—Rufus W. Cobb.
1882—Edward A. O'Neal.
1886—Thomas Seay.
1890—Thomas G. Jones.
1894—William C. Oates.
1896—Joseph F. Johnston.
1900—William J. Samford.
1901—William D. Jelks.
1907—Braxton B. Comer.

TEXAS.

UNDER SPANISH RULE.*

1691–93(?)—Domingo Terán de los Rios.
1693–1716(?)—Interregnum. Texas abandoned.
1716(?)—Martin de Alarcón.
1719—Marquis de San Miguel de Aguayo.
1722—Fernando Pérez de Almazán.
1727—Melchor Mediavilla y Ascona.
1730—Juan Bustillos Zevallos.
1734—Manuel de Sandovál.
1736(?)—Carlos de Franquis.
1737—Prudencio de Orobio Bazterra.
1741—Thomas Felipe Wintuisen.
1743—Justo Boneo y Morales.
1748—Francisco García Larios.
1748—Pedro del Barrio y Esprielia.
1751—Jacinto de Barrios y Jauregui.
1758(?)—Angel Martos y Navarrete.
1767(?)—Hugo Oconor.
1770—Baron of Ripperdá.
1778—Domingo Cabello.
1789(?)—Rafael Martínez Pacheco.
1794(?)—Pedro de Nava.
1803(?)—Juan Bautista Ganzábal.
1805—Antonio Cordero.
1810–13—Manuel Salcedo.
1811—Juan Bautista Casas.
1814–18(?)—Cristobal Dominguez.
1817—Ignacio Pérez.
1817—Manuel Pardo.
1817–21(?)—Antonio Martínez.

UNDER MEXICAN RULE, AFTER THE REVOLUTION.

(*a*) *Governors of Texas alone.*

1822—Felix Trespalacios.
1823(?)—Luciano García.

(*b*) *Governors of Texas and Coahuila.*

1824—Rafael Gonzales.
1826—Victor Blanco.
1827—José Maria Viesca.
1830—Rafael Eca y Musquiz.
1831—José Maria Letona.
1832—Rafael Eca y Musquiz.
1832—Juan M. de Veramendi.
1833—Juan José de Vidauri y Villaseñor.
1834—Juan José Elguezabal.
1835—José Maria Cantú.
1835—Augustin M. Viesca.

**Ad interim* governors are included in this list. Alarcón and Aguayo appear to have been governors of both Coahuila and Texas. In a number of cases the dates are only approximate.

1835—Marciel Borrego.
1835—Rafael Eca y Musquiz.

PROVISIONAL GOVERNOR BEFORE INDEPENDENCE.

1835, Nov. 12—Henry Smith.

PRESIDENTS OF THE REPUBLIC.

1836, March-October—David G. Burnet.
1836—Sam Houston.
1838—Mirabeau B. Lamar.
1840—Davis G. Burnet (Acting Governor).
1841—Sam Houston.
1845—Anson Jones.

STATE GOVERNORS.

1846—James P. Henderson.
1849—George T. Wood.
1849—P. Hansborough Bell.
1853—E. M. Pease.
1857—Hardin R. Runnels.
1859—Sam Houston.
1861—Edward Clark.
1861—Francis R. Lubbock.
1863—Pendleton Murrah.
1865—Andrew J. Hamilton (Provisional Governor.)
1866—James W. Throckmorton.
1867—E. M. Pease.
1870—Edmund J. Davis.
1874—Richard Coke.
1877—Richard B. Hubbard.
1879—Oran M. Roberts.
1883—John Ireland.
1887—Lawrence S. Ross.
1891—James S. Hogg.
1895—Charles A. Culberson.
1899—Joseph D. Sayers.
1903—Samuel W. T. Lanham.
1907—Thomas M. Campbell.

NORTH CAROLINA.

PROPRIETORS.

1629—Sir Robert Heath.
1663–1725—Lords Proprietors: Edward Hyde, Earl of Clarendon; George Monck, Duke of Albemarle; William, Lord Craven; John, Lord Berkeley; Anthony Ashley Cooper, Lord Ashley, later Earl of Shaftesbury; Sir George Carteret; Sir William Berkeley; Sir John Colleton.

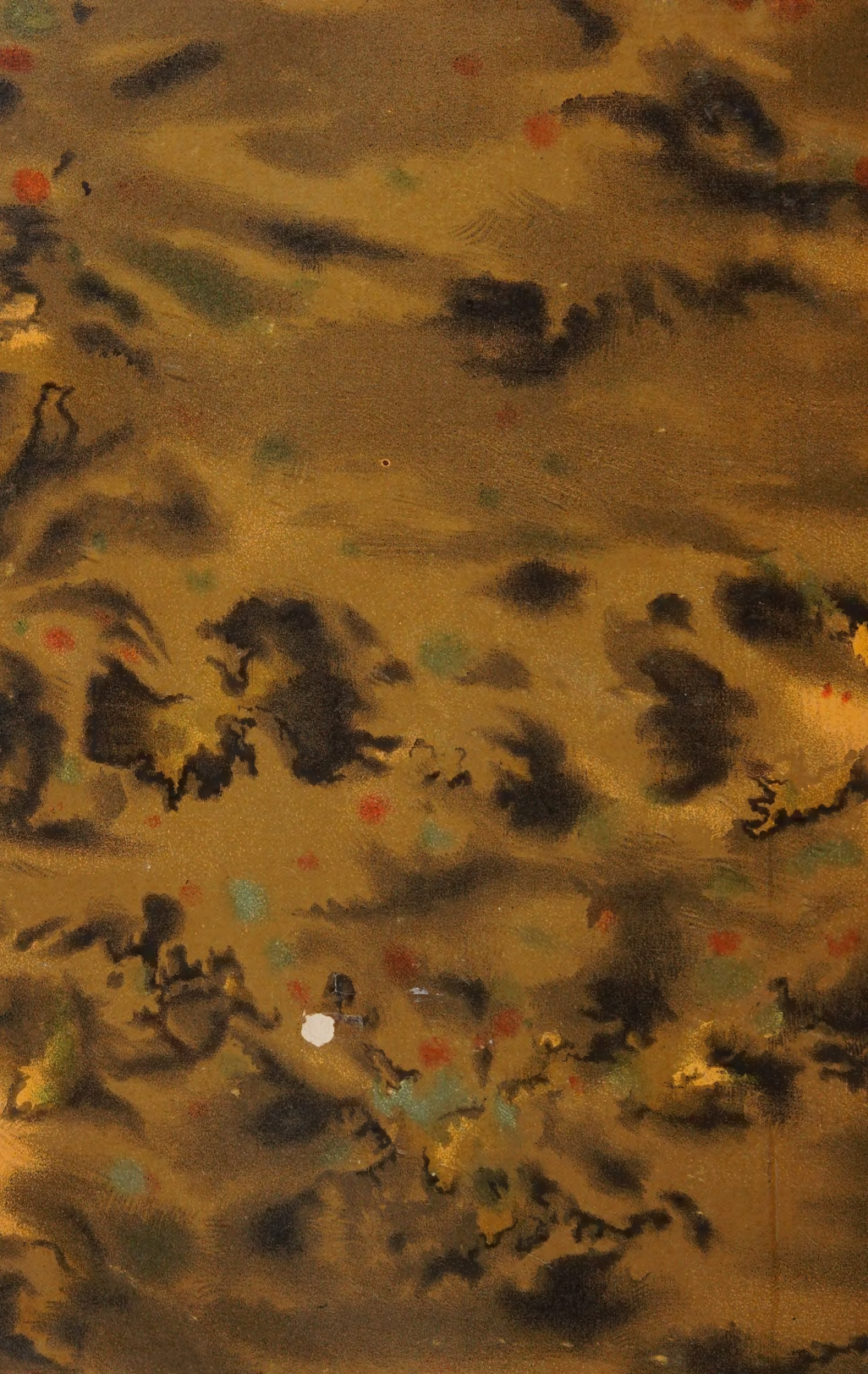
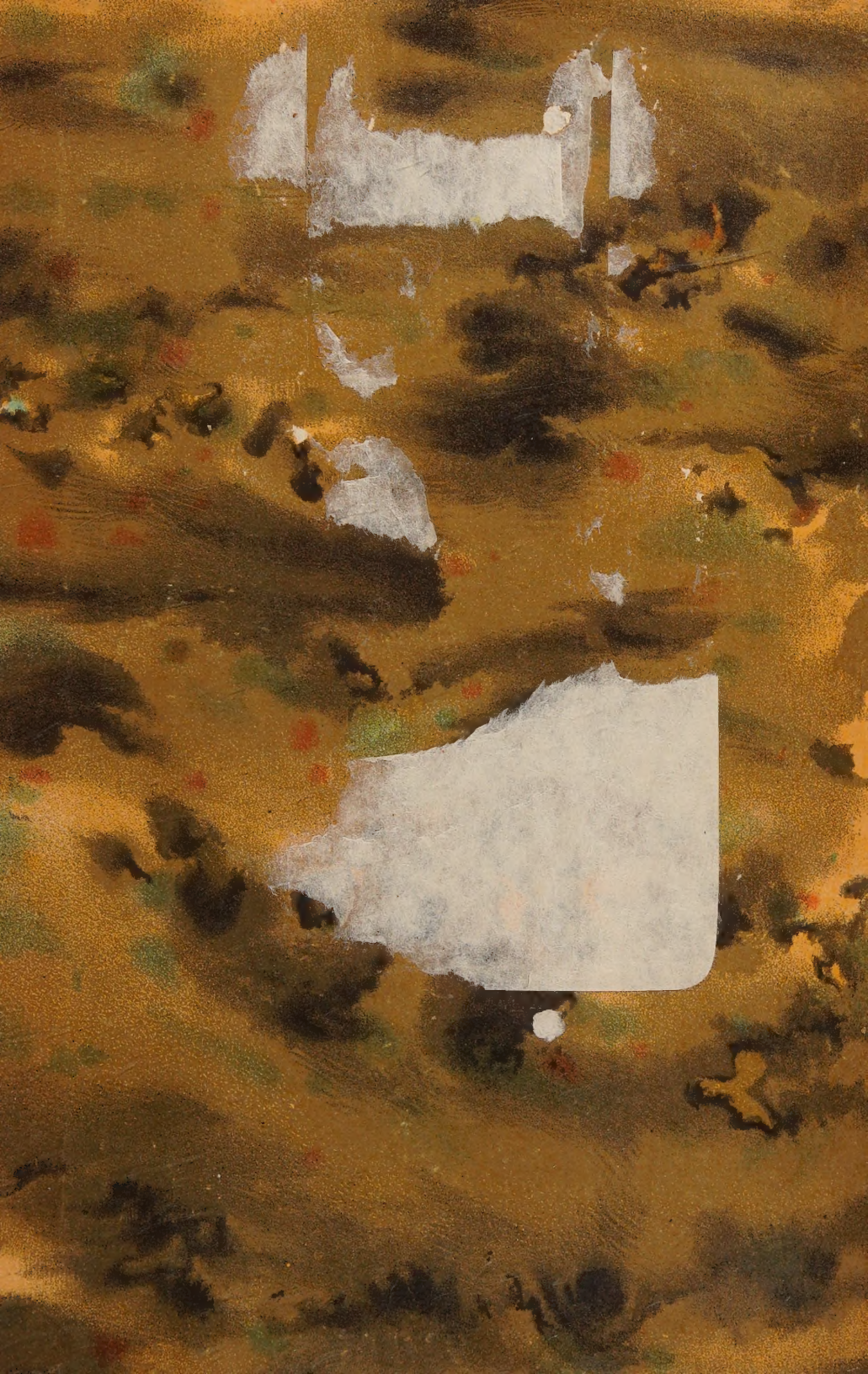
PROPRIETARY GOVERNORS.

1663—William Drummond.
1667—Samuel Stephens.
1670—Peter Carteret.
1670—Samuel Stephens.
1675—John Jenkins (Acting Governor).
1675—John Harvey (Acting Governor).
1676—Thomas Eastchurch.
1677—Thomas Miller (Acting Governor).
1677—John Culpepper.
1678—John Harvey (Acting Governor).
1678—John Jenkins.
1681—Henry Wilkinson.
1683—Seth Sothell.
1689—Philip Ludwell.
1691—Alexander Lillington.
1694—Thomas Harvey.
1699—Henderson Walker.
1704—Robert Daniel.
1705—Thomas Cary.
1706—William Glover (Acting Governor).
1707—Thomas Cary (Acting Governor).
1708–10—William Glover and Thomas Cary, contestants.
1710—Edward Hyde.
1713—Thomas Pollock (Acting Governor).
1714—Charles Eden.
1722—Thomas Pollock (Acting Governor).
1722—William Reed (Acting Governor).
1724—George Burrington.
1725—Edward Mosely (Acting Governor).
1725—Sir Richard Everard.

ROYAL GOVERNORS.

1729—George Burrington.
1734—Nathaniel Rice (Acting Governor).
1734—Gabriel Johnston.
1752—Nathaniel Rice (Acting Governor).
1752—Matthew Rowan (Acting Governor).

1754—Arthur Dobbs.
1765—William Tryon.
1771—James Hazell (Acting Governor).
1771—Josiah Martin.
1775—Provincial "County Committees."

UNDER STATE CONSTITUTION.

1777—Richard Caswell.
1779—Abner Nash.
1781—Thomas Burke.
1782—Alexander Martin.
1784—Richard Caswell.
1787—Samuel Johnston.
1792—Richard Dobbs Spaight.
1795—Samuel Ashe.
1798—William Richardson Davie.
1799—Benjamin Williams.
1802—James Turner.
1805—Nathaniel Alexander.
1807—Benjamin Williams.
1808—David Stone.
1810—Benjamin Smith.
1811—William Hawkins.
1814—William Miller.
1817—John Branch.
1820—Jesse Franklin.
1821—Gabriel Holmes.
1824—Hutchings G. Burton.
1827—James Iredell.
1828—John Owen.
1830—Montford Stokes.
1832—David L. Swain.
1835—Richard Dobbs Spaight, Jr.
1837—Edward B. Dudley.
1841—John M. Morehead.
1845—William A. Graham.
1849—Charles Manly.
1851—David S. Reid.
1854—Warren Winslow (Acting Governor).
1855—Thomas Bragg.
1859—John W. Ellis.
1861—Henry T. Clarke (Acting Governor).
1862—Zebulon B. Vance.
1865—William W. Holden (Provisional Governor).
1865—Jonathan Worth.
1867—Gen. Daniel E. Sickles (Military Governor).
1867—Gen. E. R. S. Canby (Military Governor).
1868—William W. Holden (Impeached).
1870—Tod R. Caldwell.
1874—Curtis H. Brogden.
1877—Zebulon B. Vance.
1878—Thomas J. Jarvis (Acting Governor).
1881—Thomas J. Jarvis.
1885—Alfred M. Scales.
1889—Daniel G. Fowle.
1891—Thomas M. Holt.
1893—Elias Carr.
1897—Daniel L. Russell.
1901—Charles B. Aycock.
1905—Robert B. Glenn.
1909—W. W. Kitchin.